

have brought forth warriors and other countries have had their statesmen, but rarely in any other environment may there be found that marvelous combination—a great man of war and a great man of peace.

It has been recounted to-day how he, with a loyalty and patriotism that weighed not fear, held not back the tender of his life when his country needed his assistance. In the darkest hour, when it seemed as if the night would never pass, it will not soon be forgotten that he was in the forefront, uniting his efforts with those other brave men who turned the tide at the Battle of Gettysburg, where hope for a reunited country lifted her grief-stained face and the sun arose again upon another day.

So this man of war became the man of peace. For over 30 years his words of wise counsel have helped in the affairs of state. With him the war was over, he had no room in his heart for bitterness, and he set himself to the greater tasks of peace. No narrow sectional or political lines could bind his heart or narrow the scope of his patriotic desires. His conceptions of his duty were greater than any limitations imposed by territorial subdivision. His was a mind that refused to recognize a demarcation between North and South; and by his broad and patriotic nationalism he won a recognition which found expression to-day in the eloquent words of the gentleman from Georgia [Mr. BARTLETT].

The harmony of man's life can not be seriously marred where the dominant note is kindness. To be great in small things is to my mind the supreme test of real greatness. Here, too, he excelled. With an unruffled brow, a genial smile, a kind word, and an extended hand he made his journey through life and won from all the high encomium—a chivalrous, courtly, kindly gentleman.

It should not be forgotten that during the period of his public services the pent-up miracles of a thousand years have broken forth, until now the elements have yielded a ready obedience to man's comfort and pleasure. The population has increased by leaps and bounds. Our national and political life had to be adjusted to these changed conditions, and in this transformation his voice and counsel were heard in this Hall of Congress.

The memory of our great men constitutes a part of our national treasure. By recounting their noble deeds we keep alive the patriotic spirit without which our country would soon pass away. Their unselfish, faithful, and loyal services will bring to generations yet unborn a deeper sense of their responsibility toward and love for the institution symbolized by the old Stars and Stripes, whereby will be insured its perpetuity; an unfaltering belief that though dark clouds may sometimes hang heavy and obscure her sky the morrow's sun will drive away the darkness and she will pursue her path of destiny.

Of our country it has been said:

We have journeyed in safety through the wilderness and crossed in triumph the Red Sea of civil strife, but the foot of Him that led us bath not faltered nor the light of His countenance been turned away.

Gen. HENRY H. BINGHAM was a great man, a gallant soldier, a man of peace, a splendid statesman, a loyal citizen. Not least of all, he was a kindly hearted, sympathetic gentleman.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolution previously adopted, and as a further mark of respect to the memory of the deceased, the House will now stand adjourned.

Thereupon (at 1 o'clock and 10 minutes p. m.) the House adjourned until Monday, May 20, 1912, at 11 o'clock a. m.

SENATE.

Monday, May 20, 1912.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Friday last was read and approved.

THE NAVAL ACADEMY (S. DOC. NO. 672).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 10th instant, certain information relative to the maximum capacity of the United States Naval Academy for the accommodation of midshipmen and also the number of midshipmen in attendance during each of the last five years, etc., which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

DRY LAND HOMESTEADS (S. DOC. NO. 673).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 8th instant, certain information

relative to the number of homestead entries made in each State and in the aggregate under the enlarged homestead acts approved February 19, 1909, and June 17, 1910, which was referred to the Committee on Public Lands and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. JOHNSON of Kentucky, Mr. ADAIR, and Mr. DYER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LAMB, Mr. LEVER, and Mr. HAUGEN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the General Conference of the Methodist Episcopal Church, held at Minneapolis, Minn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Maritime Association of the Port of New York, favoring an appropriation for the installation and maintenance of wireless telegraph stations on all light vessels along the coasts, which was ordered to lie on the table.

He also presented petitions of the congregations of the Mount Washington Methodist Protestant Church and the Presbyterian Church of Pittsburgh, Pa.; of the Presbyterian and Methodist Episcopal Churches of Oxford, Ala.; and of the Woman's Christian Temperance Union of Montgomery Center, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented memorials of Branch 7, Socialist Party of New York City, N. Y.; of Manhattan Lodge, No. 7, Brotherhood of Machinists, of New York City, N. Y.; and of the District Grand Lodge, Independent Order of B'nai B'rith, of Cincinnati, Ohio, remonstrating against the adoption of the so-called illiteracy-test amendment to the immigration law, which were ordered to lie on the table.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, favoring the enactment of legislation providing for a civil-service basis for certain branches of the Diplomatic and Consular Service; for the adoption of certain amendments to the Sherman antitrust law; against the importation of nursery stock except through the Department of Agriculture; for adequate Government relief for the sufferers

from floods in the Mississippi River districts; and for the opening of the Panama Canal free to American shipping engaged in coastwise domestic trade, which were referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of the congregation of the First Baptist Church of Rockford, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Cook County Cabinet, of Chicago, Ill., praying that an immediate investigation be made as to conditions existing on excursion steamers on the Great Lakes with reference to the safety of passengers, which was referred to the Committee on Commerce.

He also presented a memorial of the Rock Island County Retail Druggists' Association, of Illinois, remonstrating against the enactment of legislation to prohibit a resale price on patented articles, which was referred to the Committee on Patents.

He also presented a memorial of the Mutual Building and Loan Association, of Chicago, Ill., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which was ordered to lie on the table.

He also presented a petition of Woodlawn Auxiliary, No. 238, Ladies of the Maccabees of the World, of Chicago, Ill., and a petition of the Illinois State legislative board, Brotherhood of Locomotive Engineers, praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Christian County Medical Society, the Gallatin County Medical Society, and of sundry physicians of Quincy, all in the State of Illinois, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. LODGE. I present resolutions in support of the immigration bill. They are very brief, and I ask that, with the few names appended, they may be printed in the Record.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the Record, as follows:

To the Senate and House of Representatives of the United States:

While we are aware that there is a world-wide rise in the cost of living and that there are local causes of disturbance and distress which need correcting, we none the less believe that distressing conditions in the United States are greatly aggravated by the fact that the less skilled classes of labor are subjected to an artificial and unnecessary competition. This competition is due to the unlimited importation from numerous parts of the world of laborers often induced to come here by persons interested financially in their coming whose controlling interest is not in the personal welfare of the immigrant or in the general welfare of the country.

We believe the evidence to be conclusive that under these conditions the maintenance of a proper American standard of living among the laboring classes of our country is impossible in this State or in any other State subject to these same conditions. We therefore most respectfully urge that this overshadowing menace be not ignored by you and that you relieve this situation by limiting the importation of labor to a point where the American standard of living among great bodies of laborers shall no longer be broken down.

A. Lawrence Lowell, LL. D., president Harvard University; Richard M. Maclaurin, president Massachusetts Institute of Technology; Henry A. Garfield, president Williams College; T. N. Carver, professor of political economy of Harvard University; C. J. Bullock, professor of economics, Harvard University; O. M. W. Sprague, assistant professor of banking and finance, Harvard University; Wm. Z. Ripley, professor of political economy, Harvard University; John F. Tobin, general president of the Boot and Shoe Workers' Union; John Golden, president United Textile Workers of America; James Duncan, first vice president American Federation of Labor and president Granite Cutters' Union; Arthur M. Huddell, business agent Building Trades Council; Henry Abrahams, secretary Central Labor Union of Boston and secretary International Cigar Makers' Union; Robert A. Woods, settlement worker, author, etc., South End House, Boston; Henry Lee Higginson, senior partner of Lee, Higginson & Co.; Alfred D. Foster, president New England Mutual Life Insurance Co.; Philip Stockton, president Old Colony Trust Co.; Richards M. Bradley, of Bradley & Tyson; Francis R. Hart, vice president Old Colony Trust Co.; John F. Moors, of Moors & Cabot; Henry B. Cabot, of Moors & Cabot; and many others.

Mr. LODGE. I present resolutions adopted by the Brotherhood of Locomotive Engineers, at Harrisburg, Pa., which were agreed to with only two opposing votes, 806 delegates being present. I ask that the resolutions may be printed in the Record.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the Record, as follows:

Resolution adopted May 17, 1912, at Harrisburg, Pa., by Brotherhood of Locomotive Engineers, over 800 delegates being present. Adoption of resolution followed many days' discussion of Senate workmen's compensation bill, which has passed Senate; Dillingham immigration bill (S. 3175), which has passed Senate; and anti-injunction bill, which has passed House.

Whereas as there are now pending in Congress the following bills in the interest of labor, the passage of which our joint national legislative representative is expected to and is aiding in securing: The anti-injunction bill, in which every member of the Brotherhood of Locomotive Engineers is surely interested, which has passed the House and is now pending in the Senate; an immigration restriction bill, favored by the various labor and civic organizations throughout the country and which surely ought to be by this convention, that has passed the Senate and is now pending in the House; and the workmen's compensation bill, that has passed the Senate and is now pending in the House; and

Whereas there has appeared in the CONGRESSIONAL RECORD statements made by a member of this order, from which we quote the following paragraph:

"Believing that the individual members should get behind those officers (grand officers) and give them their undivided support and loyalty and show our friends in the Senate, viz, Senator REED, Senator ASHURST, Senator JEFF DAVIS, Senator OVERMAN, and a few others whom he terms the force opposing them, that we are behind them. In other words, that we are a lot of cattle following the Judases to the slaughtering pens. He says, 'What would you think of a local chairman who was adjusting a grievance for his division, and a member should give the facts and try to influence others against that chairman?' I ask him, 'What would you think of a chairman who was working in with the railway company to reduce your wages from 300 to 800 per cent?' That is what Wills and his grand officers are doing, working hand in hand with the railway companies to reduce your compensation from 300 to 800 per cent. He says, 'It looks to me to be on the same principle as that of a soldier shooting an officer in the back who was bravely leading them in a charge or attack upon the enemy.' What brave general does he mean? Those of the militia or those of the Regulars that led their soldiers against the union miners of Colorado, the striking railway men in 1904, or those brave generals that led their soldiers against the women and children in Lawrence, Mass., this last year? Does he style Wills and the other grand executives with those brave generals? If he does, I do not question him;" and

Whereas such matter as quoted, left unchallenged, interferes with our prestige as an organization and with our national legislative representative in the work to which he has been assigned: Therefore be it

Resolved, That this convention unqualifiedly indorse the action of our joint national legislative representative, Brother H. E. Wills, in his efforts to secure the enactment of the anti-injunction bill, the restriction of immigration bill, and the workmen's compensation bill.

Mr. TOWNSEND. I present 16 memorials adopted by as many municipal and commercial bodies of Michigan, and various memorials signed by over 4,000 farmers and others, remonstrating against the passage of the House bill in reference to the sugar schedule. I ask that one each may be read.

The VICE PRESIDENT. Without objection, the Secretary will read one each of the memorials.

The Secretary read as follows:

To the honorable Senate and House of Representatives of the United States:

Whereas the House of Representatives has recently passed a bill removing all customs duty from sugar entering the United States; and Whereas this bill is now being considered by the Senate; and Whereas such a bill if enacted into law would destroy the domestic beet and cane sugar industries of the United States; would reverse our governmental policy toward Hawaii, Porto Rico, and the Philippines, thereby endangering the prosperity of those islands; would virtually abrogate our treaty with Cuba, thereby injuriously affecting our export trade to that island, now amounting to over \$60,000,000 a year, and endanger the peace and prosperity of the Republic of Cuba; and

Whereas such legislation would deliver to the sugar-refining industry of the United States—80 per cent of which is officially declared to be controlled by one company—the monopoly of the sugar business in this country: Therefore be it

Resolved by Cass City Improvement Association, That we protest against the passage of a law placing sugar on the free list, and urgently request our Senators and Representatives in Congress to use all legitimate methods to defeat any tariff legislation which shall injuriously affect the development of the domestic sugar industry of the United States.

We believe that the official reports of the Department of Agriculture conclusively demonstrate that this country, with proper fiscal legislation, is able to produce all the sugar its people can use, and that it is better economic policy to produce our sugar at home than to buy it abroad.

Adopted at a regular meeting of Cass City Improvement Association April 2, 1912. There were 130 members present at this meeting.

JAS. H. HAYS, President.
P. A. SCHENCK, Secretary.

To the honorable Senate and House of Representatives of the United States:

The undersigned, citizens of Michigan, respectfully protest against the removal of the duty on sugar as provided for in the bill which recently passed the House of Representatives. We petition Congress not to pass any legislation which shall interfere with the development of the beet-sugar industry of the United States. We believe there is enough land in this country adapted to the culture of beets to provide all the sugar which our citizens can use, and that under favorable laws the beet-sugar industry of this country will develop with great rapidity. Our citizens are more interested in this industry than ever before, and have learned from actual experience that the culture of beets improves other agricultural conditions. In view of these facts we ask that no legislation be passed which shall in any way check the development of this important industry.

The VICE PRESIDENT. The memorials will be referred to the Committee on Finance.

Mr. SUTHERLAND. The Brotherhood of Locomotive Engineers, in session at Harrisburg, Pa., representing the locomotive engineers of every State in the Union, adopted, on the 17th

instant, a resolution approving the workmen's compensation bill which recently passed this body. The resolution is embodied in a letter which I send to the desk. It is very brief, and I ask that it be read.

The VICE PRESIDENT. Without objection, the Secretary will read the letter.

There being no objection, the letter was read and ordered to lie on the table, as follows:

WASHINGTON, D. C., May 18, 1912.

HON. GEORGE SUTHERLAND,

United States Senate.

MY DEAR SENATOR: It affords me pleasure to furnish to you herewith a quotation from a resolution that was yesterday adopted by the Grand National Brotherhood of Locomotive Engineers, now in session at Harrisburg, Pa. This resolution will speak for itself and needs no comment from me.

"Therefore be it resolved, That this convention unqualifiedly indorse the action of our joint national legislative representative, Brother H. E. Wills, in his efforts to secure the enactment of the anti-injunction bill, the restriction of immigration bill, and the workmen's compensation bill."

I am, with sincere respect,
Yours, very truly,

H. E. WILLS,

Assistant Grand Chief Engineer and
Acting Joint National Legislative Representative.

Mr. SUTHERLAND presented a telegram in the nature of a petition from sundry citizens of Ogden, Utah, members of the medical profession, praying for the passage of the Owen health bill, which was ordered to lie on the table.

Mr. WILLIAMS presented a petition of sundry citizens of Holly Springs, Miss., praying for the enactment of legislation to prohibit the transmission of race-gambling odds and bets, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Holly Springs, Miss., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. MARTINE presented resolutions adopted by the Board of Trade of Elizabeth, N. J., favoring the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. GARDNER presented petitions of local granges of North Yarmouth, Hiram, Woolwich, Bethel, Levant, Portside, and New Portland, all of the Patrons of Husbandry; of the Journeymen Barbers' Union, of Augusta; of the Boot and Shoe Workers' Local Union, of Belfast; of Cigar Makers' Local Union, of Bangor; of Loom Fixers' Local Union, of Lewiston; of the International Quarry Workers, of Hallowell; of Cigar Makers' Local Union, of Rockland; of the International Brotherhood of Locomotive Engineers, of Bangor; of the International Association of Machinists, of Waterville; of Medway Local Union, No. 152, International Brotherhood of Paper Makers, of East Millinocket; and of sundry citizens of Paris, Sedgwick, and Caribou, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Laymen's League of the Universalist Church of Rockland, Me., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of William H. Taft Lodge, No. 541, Independent Order B'rith Abraham, of Lewiston, Me., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of sundry citizens of South Thomaston, Rockland, and Knox County, all in the State of Maine, praying that an appropriation be made for the continuance of the office of shipping commissioner at Rockland, Me., which were referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Bath, Me., praying that an appropriation be made for the continuance of the office of shipping commissioner at that city, which was referred to the Committee on Appropriations.

Mr. HITCHCOCK presented a memorial of the Nebraska State Homeopathic Medical Society, remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented resolutions adopted by the Business and Professional Men's Association of North Platte, Nebr., remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

He also presented resolutions adopted by members of the Owen Roe Club, of New York City, N. Y., remonstrating against the appointment of a commission and against the proposed appropriation of \$7,500,000 for the purpose of celebrating the 100 years of peace with England, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of sundry citizens of Stratham, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented the petition of Robert B. Wolf, of Berlin, N. H., and the petition of Rev. Arthur W. Shaw, of Goffstown, N. H., praying for the enactment of legislation to provide medical and sanitary relief to the natives of Alaska, which were referred to the Committee on Territories.

He also presented a petition of Union Pomona Grange, Patrons of Husbandry, of Manchester, N. H., and the petition of George T. Gerry, of Claremont, N. H., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. WORKS presented a memorial of sundry citizens of Pasadena, Cal., remonstrating against the enactment of legislation to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the country, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Federated Improvement Association of Los Angeles, Cal., favoring the enactment of legislation authorizing a change in the course of trans-Atlantic ships far to the south of the Newfoundland Banks during certain seasons of the year, which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Board of Trade of Sierra Madre, Cal., favoring an appropriation for the destruction of the Mediterranean fly, which were ordered to lie on the table.

Mr. RAYNER presented petitions of 50 citizens of Baltimore, Md., remonstrating against the passage of the Owen medical bill, which were ordered to lie on the table.

Mr. BRIGGS. I present a petition signed by Jesse Lawson, president of the National Emancipation Commemorative Society, and by sundry citizens of the District of Columbia and Virginia, praying that a charter be granted to that society. I ask that the petition be referred to the Committee on the Judiciary and that the heading thereof be printed in the Record.

There being no objection, the petition was referred to the Committee on the Judiciary and the heading thereof was ordered to be printed in the Record, as follows:

A petition praying the passage of bill (S. 5113) introduced by Senator BRIGGS, of New Jersey, granting a charter to the National Emancipation Commemorative Society of the United States of America.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled.

GENTLEMEN: We, the undersigned citizens of the United States, do by these presents humbly petition you to pass at the earliest practicable moment bill (S. 5113) granting a charter to the National Emancipation Commemorative Society of the United States of America, organized for the purpose of holding a national jubilee at Washington, D. C., in celebration of the fiftieth anniversary of the issuing of the emancipation proclamation by Abraham Lincoln on September 22, 1862, and for the cultivation of patriotism and mutual improvement in the promotion of industry, art, literature, and education.

Mr. BRIGGS presented petitions of the Royal Neighbors of America, Kansas City, Kans., and of the Ladies of the Maccabees of Port Huron, Mich., praying for the enactment of legislation granting the privileges of second-class mail matter to publications of fraternal societies, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Orange and Woodbury, in the State of New Jersey, praying for the appointment of a commission on industrial relations, which were referred to the Committee on Education and Labor.

He also presented petitions of the Hudson County Veterinary Practitioners' Club and sundry citizens of Ridgewood, Glassboro, Jersey City, Newark, Freehold, and South Orange, all in the State of New Jersey, and of sundry citizens of New York City, N. Y., praying for the enactment of legislation to consolidate and increase the efficiency of the veterinary service, United States Army, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Bridgeton and Rutherford, in the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of East Orange and Murray Hill, in the State of New Jersey, praying for the

establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Camden, Garfield, Paterson, and Keansburg, all in the State of New Jersey, praying for the enactment of legislation to prohibit the use of trading coupons, which were referred to the Committee on Finance.

He also presented memorials of sundry officers of building and loan associations of Belmar, N. J., and of the New Jersey League of Building and Loan Associations, remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Newark, Vineland, Flemington, Dover, Trenton, New Brunswick, Point Pleasant, Palisade, Madison, Montclair, Asbury Park, Bound Brook, Hampton, Salem, Jersey City, Elizabeth, Lakewood, East Orange, and Rockaway, all in the State of New Jersey; of the National Board of Trade, Washington, D. C.; and of sundry citizens of New York City, N. Y., remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

He also presented a petition of the Board of Trade of Paterson, N. J., and a petition of the Chamber of Commerce of Trenton, N. J., praying for the adoption of a 1-cent letter postage, which were referred to Committee on Post Offices and Post Roads.

Mr. O'GORMAN presented resolutions adopted by the National Jewelers' Board of Trade, remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, favoring the enactment of legislation to exempt from tolls all American ships passing through the Panama Canal engaged in coastwise traffic, which were referred to the Committee on Inter-oceanic Canals.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, relative to the importation of nursery stock, which were ordered to lie on the table.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, favoring the improvement of the Diplomatic and Consular Service, which were ordered to lie on the table.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, favoring the adoption of an amendment to the Sherman antitrust law, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, praying that an appropriation be made for the control of floods in the Mississippi River and its tributaries, which were ordered to lie on the table.

Mr. CURTIS presented sundry telegrams in the nature of petitions from citizens of Kansas City and Emporia, in the State of Kansas, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. BROWN presented a memorial of the Nebraska State Homeopathic Medical Society, remonstrating against the establishment of a department of health, which was ordered to lie on the table.

Mr. SHIVELY presented a petition of members of the Woman's Home Mission Society of Bristol, Ind., praying for the enactment of an interstate-liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of members of the Merchants' Association of Laporte, Ind., and a memorial of the Retail Merchants' Bureau of the Chamber of Commerce of South Bend, Ind., remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

Mr. BURNHAM presented a petition of White Mountain Camp, No. 6, United Spanish War Veterans, of Berlin, N. H., praying for the enactment of certain pension legislation, which was referred to the Committee on Pensions.

He also presented petitions of Local Grange No. 204, Patrons of Husbandry, of Charlestown; of Union Pomona Grange, Patrons of Husbandry, of Manchester; and of the Chamber of Commerce of Manchester, all in the State of New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Grange No. 204, Patrons of Husbandry, of Charlestown, N. H., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

SENATOR FROM ILLINOIS.

Mr. DILLINGHAM. I am directed by the committee appointed by the Senate to investigate whether in the election of WILLIAM LORIMER as a Senator from the State of Illinois there were employed corrupt methods and practices to submit the following report (No. 769).

In doing this I desire to call the attention of the Senate to the fact that at the end of almost every paragraph in the report there has been included in brackets a reference to the body of the testimony where the evidence upon which the finding is based may be found.

With the report I am also sending to the desk the testimony and records of the public hearings, comprised in eight volumes, with a digest index to the same, which the Senate will find very convenient in referring to any particular part of the evidence or the record.

The VICE PRESIDENT. Does the Senator from Vermont desire to have the evidence printed, or simply the report?

Mr. DILLINGHAM. The report.

The VICE PRESIDENT. The report will be printed and lie on the table.

Mr. DILLINGHAM. I think there are a sufficient number of copies of the evidence to supply the demand of the Senate.

Mr. SMOOT subsequently said: Was the minority report in the Lorimer case offered?

The VICE PRESIDENT. The views of the minority have not yet been submitted.

Mr. LEA subsequently said: Mr. President, I present and ask to have printed the views of the minority members of the Lorimer investigating committee. (Rept. No. 769, pt. 2.) The minority views are signed by the Senator from Indiana [Mr. KERN], the Senator from Iowa [Mr. KENYON], and myself.

Mr. GALLINGER. I ask that they be printed in connection with the report of the majority, so that it will make one document, if agreeable to the Senator.

Mr. LEA. I will be very glad to have that done.

The PRESIDING OFFICER (Mr. PAGE in the chair). Without objection, that order will be made.

Mr. LEA submitted the following resolution (S. Res. 315), which was ordered to lie on the table and be printed:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

OMNIBUS CLAIMS BILL.

Mr. CRAWFORD. I am directed by the Committee on Claims, to which was referred the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, to report it with amendments, and I submit a report (No. 770) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

THE CHEMICAL SCHEDULE.

Mr. SIMMONS. I desire to submit the views of the minority of the Finance Committee upon the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which is the chemical-schedule bill. The report was prepared by the Senator from Maine [Mr. JOHNSON].

The VICE PRESIDENT. The views of the minority will lie on the table and be printed. (Rept. No. 636, pt. 2.)

REPORTS OF COMMITTEES.

Mr. JONES, from the Committee on Fisheries, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 6612. A bill for the establishment of a fish-cultural station in the State of Tennessee (Rept. No. 772); and

S. 6590. A bill to establish a fish-cultural station in the State of New Mexico (Rept. No. 773).

Mr. JONES, from the Committee on Fisheries, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 6203. A bill to establish a fish-cultural station at Monte Ne, in the State of Arkansas (Rept. No. 774); and

S. 6414. A bill to establish a fish hatchery and fish station in the State of Maryland or in the State of West Virginia (Rept. No. 775).

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 6744. A bill to provide for the purchase of an extension to the site and the erection of a Federal building in Las Vegas, N. Mex. (Rept. No. 776); and

S. 6745. A bill to provide for the erection of a Federal building in Las Cruces, N. Mex. (Rept. No. 777).

GOOSE CREEK BRIDGE, SOUTH CAROLINA.

Mr. NELSON. I am directed by the Committee on Commerce, to which was referred the bill (S. 6848) authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C., to report it without amendment, and I submit a report (No. 768) thereon. I call the attention of the Senator from South Carolina [Mr. TILLMAN] to the bill.

Mr. TILLMAN. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND AT WILMINGTON, N. C.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably, with an amendment, the bill (S. 6803) authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes, and I submit a report (No. 771) thereon.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The Committee on Public Buildings and Grounds reported an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is hereby authorized and directed to convey to the board of education of New Hanover County, State of North Carolina, the following-described tract of land, being a portion of the marine-hospital reservation in the city of Wilmington, which, in the opinion of the Secretary of the Treasury, is no longer needed for marine-hospital purposes, to wit, 34½ acres of land, more or less, covering six whole and three one-half city blocks, lying east of Tenth Street, in the city of Wilmington, county of New Hanover, and State of North Carolina, such conveyance to be upon condition that the land shall be used exclusively for industrial school purposes, the title thereof to revert to the United States if at any time the land or any building erected thereon shall no longer be used for such purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GARDNER:

A bill (S. 6865) granting an increase of pension to Lyman C. Putman (with accompanying paper); to the Committee on Pensions.

By Mr. GARDNER (for Mr. JOHNSON of Maine):

A bill (S. 6866) granting an increase of pension to James A. Dunton (with accompanying paper);

A bill (S. 6867) granting an increase of pension to Elias H. Davis (with accompanying papers); and

A bill (S. 6868) granting an increase of pension to Frank H. Oliver; to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 6869) for the relief of heirs or estate of Michael Emonet, deceased; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 6870) to correct the military record of Calvin O. Tyler, alias John Wood; to the Committee on Military Affairs.

By Mr. SHIVELY:

A bill (S. 6871) granting an increase of pension to George W. Jones (with accompanying paper);

A bill (S. 6872) granting a pension to Martha R. Brown (with accompanying papers); and

A bill (S. 6873) granting an increase of pension to Willis Dobson; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 6874) for the relief of Alfred H. Weaver; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 6875) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909; to the Committee on Patents;

A bill (S. 6876) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," approved August 13, 1894; to the Committee on the Judiciary; and

A bill (S. 6877) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army; to the Committee on Military Affairs.

By Mr. BRADLEY:

A bill (S. 6878) granting an increase of pension to Zachariah T. Fortner (with accompanying paper); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6879) to correct the military record of David H. Smith; to the Committee on Military Affairs;

A bill (S. 6880) granting a pension to Sarah L. Orr; and

A bill (S. 6881) granting an increase of pension to Hiram F. Stover; to the Committee on Pensions.

RAILROAD IN ALASKA.

Mr. JONES introduced a bill (S. 6864) to provide for the construction and operation of a railroad in Alaska, the reservation of public lands, and for other purposes, which was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Territories.

Mr. JONES. I ask that the bill be referred to the Committee on Public Lands.

The VICE PRESIDENT. Without objection, the reference will be to the Committee on Public Lands.

Mr. BRISTOW subsequently said: I notice that the bill which was introduced by the Senator from Washington [Mr. JONES], providing for the construction of a railroad in Alaska was referred to the Committee on Public Lands. The chairman of the Committee on Territories is not here, but being a member of that committee, it seems to me it should go to the Committee on Territories.

The VICE PRESIDENT. That was the Chair's original idea, but the Senator from Washington asked that it be referred to the Committee on Public Lands.

Mr. JONES. I desire to suggest to the Senator from Kansas that the bill also provides for a reservation of public lands. Such bills have heretofore been referred to the Committee on Public Lands. I remember that at the last session of Congress the matter went to a vote in the Senate, and the Senate decided to refer the bill to the Committee on Public Lands rather than the Committee on Territories.

Mr. BRISTOW. I should like to have the reference withheld until the chairman of the Committee on Territories can be present. I know he feels that that committee has jurisdiction of this question, because he has himself introduced a number of matters relating to it. He is detained from the Senate on business of the Senate. I should like to have the reference withheld until he can be here.

Mr. JONES. I will state that prior to the bill introduced by the chairman of the Committee on Territories a similar bill had been introduced by me and referred to the Committee on Public Lands. I would suggest that if the chairman of the Committee on Territories desires to take up the matter when he comes in, of course that can be done, but I should like to have the reference go on, because the Committee on Public Lands is having hearings in regard to this matter and is considering the matter very carefully.

Mr. BRISTOW. I ask that the bill be not referred until the chairman of the Committee on Territories can be present.

The VICE PRESIDENT. Is there objection to the bill lying on the table for the present?

Mr. JONES. I object.

The VICE PRESIDENT. Objection is made.

Mr. JONES. I think the reference has been made to the Committee on Public Lands.

The VICE PRESIDENT. The reference has been made. It can be changed by motion.

Mr. BRISTOW. I move that the Senate reconsider the vote by which the bill was referred to the Committee on Public Lands.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Kansas. [Putting the question.] The yeas appear to have it.

Mr. BRISTOW. I ask for a division.

Mr. BACON. I should be pleased—my attention was diverted for a moment—to be informed what the question is, Mr. President.

The VICE PRESIDENT. The question is on reconsidering the vote by which the bill, the title of which will be stated, was referred to the Committee on Public Lands.

The SECRETARY. A bill (S. 6864) to provide for the construction and operation of a railroad in Alaska, the reservation of public lands, and for other purposes.

The VICE PRESIDENT. The question is on the motion to reconsider.

The motion was not agreed to; there being, on a division—ayes 16, noes 16.

Mr. GRONNA. Mr. President, my attention was diverted. I did not understand the question.

The VICE PRESIDENT. The vote has been announced, and it is now too late to except to the vote.

Mr. GRONNA. I call for a division.

The VICE PRESIDENT. A division has been had. The question was put upon a division.

Mr. HEYBURN and Mr. BRISTOW called for the yeas and nays.

The yeas and nays were ordered.

Mr. HEYBURN. Now, Mr. President, the matter is open for discussion.

The VICE PRESIDENT. It is.

Mr. HEYBURN. Briefly, this proposed legislation does not deal with Territorial government, and the Territory under no conditions at any time has any jurisdiction over the lands within its boundaries. Those lands have always been subject to the jurisdiction of the Committee on Public Lands. All the legislation that has been had in the past has come from the Committee on Public Lands, whether it be a railroad-land grant or the building of a railroad or whatsoever, because those are things that pertain to Federal jurisdiction over the subject matter of common interest; that is, the lands. No Territory has ever had any jurisdiction over its lands; and why should a bill go to the Committee on Territories that affects the question of the disposition of the public lands?

Mr. BRISTOW. Mr. President, I desire to state to the Senate that this is not primarily a question of the disposition of public lands; that is an incident probably that is put into the bill; but it is a bill providing for the construction of a railroad in the Territory of Alaska. The Committee on Territories have had hearings on that very question; there have been a number of parties who have appeared before the committee which has under its consideration the subject, and the chairman of the committee has presented to the Senate petitions in favor of such proceedings. The chairman is absent this morning. I am merely a member of the committee, and take the matter up because I know that the committee has under consideration this subject. I do not think the bill should be introduced and referred to another committee when the Committee on Territories is considering the subject at this time.

Mr. HEYBURN. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. Yes.

Mr. HEYBURN. Just a moment, to make the suggestion that whatever appropriations are made, they will come out of the general funds of the Government and not out of any Territorial funds or funds available for expenditure within the Territory.

Mr. SMOOT. Mr. President, a similar bill was introduced by the Senator from Washington long before the bill was introduced by the Senator from Michigan, and referred to the Committee on Territories. The Committee on Public Lands have had this matter under consideration; they have had hearings upon it, and another hearing is set for next Wednesday, at which the Secretary of the Interior is asked to be present. There are men here not only from Alaska, but from other parts of the United States, who will appear at that meeting next Wednesday. The bill involves a question of public lands and not the administration of affairs in Alaska. Therefore, the bill, I think, properly belongs to the Committee on Public Lands.

Mr. LODGE. Mr. President, I am not a member of either of these committees, but the matter of an Alaskan railroad seems to me to be strictly Territorial business, even if public lands are attached to it. To put aside the merits of the case, the chairman of the Committee on Territories, who has introduced bills relating to this subject, and whose committee has

had hearings upon it and taken an interest in it, is absent. In his absence, to push this reference through, when the request has been made here by a member of the committee that the bill be allowed to lie upon the table until the chairman of the committee at least can be heard—I think it is rather unusual to refuse such a request as that and force the reference at this time, in the absence of the chairman of one of the committees.

Mr. CULBERSON. Mr. President—

Mr. HEYBURN. Mr. President, I rise to make an explanation.

The VICE PRESIDENT. The Senator from Texas first addressed the Chair.

Mr. CULBERSON. In order that we may know exactly what is before us, I ask that the bill be read.

Mr. HEYBURN. Would the Senator from Texas permit me to make an explanation. I only spoke on this matter because the chairman of the committee was not at that time present. Had he been present or had I known of his presence I would not have interfered.

The VICE PRESIDENT. Without objection, the Secretary will read the bill.

The Secretary read the bill, as follows:

A bill (S. 6864) to provide for the construction and operation of a railroad in Alaska, the reservation of public lands, and for other purposes.

Be it enacted, etc., That the President is hereby authorized and directed, through the Alaska Railway Commission hereinafter provided for, or otherwise, to cause to be surveyed and located the most practicable, feasible, and desirable line or location for a railroad from some point on tidewater, or, if deemed preferable, from some point on and connecting with an existing railway line, to the Bering River coal fields in Alaska, and when such line is located to cause to be constructed, completed, and operated thereon a standard-gauge railroad, with the necessary equipment, docks, wharves, and terminal facilities. That the President is authorized for the purpose aforesaid to employ such persons as he may deem necessary and to fix their duties, powers, and compensations.

SEC. 2. That to enable the President to construct the railroad and works appurtenant and necessary thereto, as provided in this act, there is hereby created the Alaska Railway Commission, to be composed of five members, who shall be nominated and appointed by the President, with the advice and consent of the Senate, and who shall serve during the pleasure of the President, and one of them shall be named by the President as chairman of said commission. Of the five members of said commission at least three shall be learned and skilled in the science of engineering, and of the three at least one shall be an officer of the United States Army and at least one other shall be an officer of the United States Navy, the said officers being either upon the active or retired lists of the Army or of the Navy. Said commissioners shall each receive such compensation as the President may prescribe until the same shall have been otherwise fixed by Congress. In addition to the members of said commission the President is hereby authorized, through the said commission, to employ, in the ascertainment of the location of said railroad, and in the construction, completion, and operation of the same, any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work. The compensation for such engineers and other persons employed under this act shall be fixed by said commission, subject to the approval of the President. The official salary of any official appointed or employed under this act shall be deducted from the amount of salary or compensation provided for or which shall be fixed under the terms of this act. Said commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually, and at other periods as may be required either by law or by the order of the President, full and complete reports of all their acts and doings and of all money received and expended in the construction of said work and in the performance of their duties in connection therewith, which said report shall be by the President transmitted to Congress; and the said commission shall furthermore give to Congress, or to either House of Congress, such information as may at any time be required, either by act of Congress or by the order of either House of Congress. The President shall cause to be provided and assigned for the use of the commission such offices as may, with the suitable equipment of the same, be necessary and proper in his discretion for the proper discharge of the duties thereof. The commission shall acquire by purchase or condemnation all property it may deem necessary for the purpose of carrying out the provisions of this act, including any existing lines of railway, with the equipment, wharves, docks, bridges, and other facilities that it may deem desirable to secure in order to carry out the purposes of this act, and the power of eminent domain in Alaska is hereby conferred upon such commission, which may sue and be sued in the name of the Alaska Railway Commission. The President, through the commission, shall obtain an exclusive right of way over the public lands in Alaska for such railway upon filing its map of location in the General Land Office, and the President may in this manner or otherwise make reservation of such public lands for stations, terminals, and other purposes in connection with the construction and operation of such railroad as he may deem necessary and desirable; and he may utilize in carrying on the work herein provided for any and all machinery, equipment, instruments, material, and other property of any sort whatsoever used, purchased, or acquired by or under the direction of the Isthmian Canal Commission, so far and as rapidly as the same is, in the judgment of the Isthmian Canal Commission, no longer needed in its work; and the said Isthmian Canal Commission is hereby authorized to deliver said property to said Alaska Railway Commission, and no charge shall be made therefor.

SEC. 3. That the President, through the said commission or otherwise, shall proceed as promptly as possible to segregate as a coal reserve for the Government and its various departments 10,000 acres of coal land in the Bering River coal fields, and shall designate and reserve the same in such tracts as to include therein the largest quantity of the best quality of coal, having due regard to economical mining and transportation, and the lands contained in such reserve shall not be subject to

sale or lease or any other disposition according to the laws of the United States. That the President, through said commission or otherwise, as he may deem best, shall, in connection with the construction and operation of said railroad, develop and operate a coal mine or mines within the area so reserved in the Bering River coal fields and deliver the coal mined at such point or points as may be necessary for the purposes of the Government, and he is authorized, through said commission or otherwise, to provide all the necessary facilities of all kinds and character to accomplish this purpose: *Provided*, That any coal mined and not needed for Government purposes may be sold to the public at not less than 6 per cent more than the cost at the place of delivery, such cost to be ascertained and determined by the commission.

SEC. 4. That any line of railroad designated and constructed under the provisions of this act may connect with the line of any existing railroad in Alaska, and, in such case, the existing line shall be operated in connection with the new line as a through route with through rates upon a fair and reasonable apportionment of revenue and expenses.

SEC. 5. That the Secretary of the Treasury is hereby authorized to borrow, on the credit of the United States, from time to time, as the proceeds may be required to defray expenditures authorized by this act (such proceeds when received to be used only for the purpose of meeting such expenditure), the sum of \$4,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States, in such form as he may prescribe, and in denominations of \$20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after 10 years from the date of their issue, and payable 30 years from such date, and bearing interest, payable quarterly in gold coin, at the rate of 3 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all the citizens of the United States an equal opportunity to subscribe therefor; but no commissions shall be allowed or paid thereon, and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

SEC. 6. That it is the intent of this act to authorize and empower the President to do any and all things necessary to carry out and accomplish the purposes herein provided for.

SEC. 7. That the President, through said commission or otherwise, is also authorized and directed to cause such surveys for additional railroad lines, extensions, or branches to be made in order that he may recommend to Congress such action as he may deem advisable with reference to the extension of the railroad herein provided or the construction and operation of new lines or branch lines.

Mr. BACON. Mr. President, as I understand, the question before the Senate is whether the bill shall be referred to the Committee on Public Lands or to the Committee on Territories. Before I vote I should like very much to know which committee is least apt to report this bill favorably, because that is the committee to which I should like to have it referred.

Mr. BRISTOW. I desire to state that the question now is on the motion to reconsider the action of the Senate in referring the bill to the Committee on Public Lands. The chairman of the Committee on Territories is not present; I know that committee has been considering this matter, and I ask that the action be reconsidered and that the bill lie on the table pending action until he can be present.

The VICE PRESIDENT. The question is on the motion to reconsider.

Mr. CULBERSON. Mr. President I only wish to say that evidently the primary object of this bill is to construct a railroad in Alaska. Whatever there may be in it with respect to public lands is merely incidental to the main purpose of building a railroad and in my judgment the bill ought obviously to go to the Committee on Territories.

The VICE PRESIDENT. The question is on the motion to reconsider the action of the Senate in referring the bill to the Committee on Public Lands. On that question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained from the Senate. I therefore withhold my vote.

Mr. GARDNER (when the name of Mr. JOHNSON of Maine was called). My colleague [Mr. JOHNSON] is necessarily absent from the Chamber. He is paired with the senior Senator from New York [Mr. ROOR].

Mr. McCUMBER. I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I understand that the Senator is necessarily absent from the city on account of severe illness in his family, and I therefore withhold my vote.

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN] is detained from the Senate on account of serious illness in his family. He is paired with the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. GALLINGER (when Mr. NEWLAND's name was called). I am requested to announce that the senior Senator from Nevada [Mr. NEWLANDS] is paired with the Senator from Ohio [Mr. BURTON].

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from Ohio [Mr. POMERENE] and vote. I vote "yea."

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. As he is not present, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. In his absence, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Nebraska [Mr. BROWN]. As he does not seem to be present, I withhold my vote. If he were present, I should vote "yea."

Mr. CHILTON (when Mr. WATSON's name was called). My colleague [Mr. WATSON] has a pair with the senior Senator from New Jersey [Mr. BRIGGS]. My colleague is unavoidably detained from the Chamber.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. In his absence, I withhold my vote. I ask that this announcement stand for the day.

The roll call was concluded.

Mr. BRANDEGEE (after having voted in the affirmative). I inquire if the junior Senator from New York [Mr. O'GORMAN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. BRANDEGEE. I have a general pair with that Senator, and I therefore withdraw my vote.

Mr. CULBERSON (after having voted in the affirmative). In view of my general pair with the Senator from Delaware [Mr. DU PONT], I withdraw my vote.

Mr. LODGE. I desire to announce the pair of my colleague [Mr. CRANE] with the Senator from Arkansas [Mr. DAVIS].

Mr. CRAWFORD. I desire to announce that my colleague [Mr. GAMBLE] is paired with the Senator from Oklahoma [Mr. OWEN].

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is unavoidably absent from the Chamber.

Mr. HEYBURN (after having voted in the negative). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not see him present, and I inquire if he has voted?

The VICE PRESIDENT. The Chair is informed that the Senator from Alabama has not voted.

Mr. HEYBURN. Then I withdraw my vote.

Mr. JOHNSTON of Alabama. I am satisfied that if my colleague, the Senator from Alabama [Mr. BANKHEAD], were present he would vote "nay."

Mr. HEYBURN. Then, upon that statement, I will allow my vote to stand.

The result was announced—yeas 31, nays 23, as follows:

YEAS—31.

Ashurst	Crawford	Hitchcock	Rayner
Bacon	Cummins	Kern	Reed
Borah	Curtis	Lea	Stone
Bourne	Foster	Lippitt	Shively
Bristow	Gallinger	Lodge	Swanson
Bryan	Gardner	Martine, N. J.	Tillman
Chilton	Gore	Myers	Warren
Clarke, Ark.	Gronna	Overman	

NAYS—23.

Bradley	Fall	Nixon	Smoot
Catron	Fletcher	Oliver	Sutherland
Chamberlain	Heyburn	Page	Thornton
Clark, Wyo.	Johnston, Ala.	Perkins	Townsend
Cullom	Jones	Sanders	Works
Dillingham	McLean	Smith, Ariz.	

NOT VOTING—41.

Bailey	Dixon	Newlands	Smith, Ga.
Bankhead	du Pont	O'Gorman	Smith, Md.
Brandegee	Gamble	Owen	Smith, Mich.
Briggs	Guggenheim	Paynter	Smith, S. C.
Brown	Johnson, Me.	Penrose	Stephenson
Burnham	Kenyon	Percy	Watson
Burton	La Follette	Poindexter	Wetmore
Clapp	Lorimer	Pomerene	Williams
Crane	McCumber	Richardson	
Culbertson	Martin, Va.	Root	
Davis	Nelson	Simmons	

So Mr. BRISTOW's motion to reconsider was agreed to.

The VICE PRESIDENT. The bill will lie on the table subject to the presence of the chairman of the Committee on Territories.

Mr. BACON. I do not object to that course, but I intended to move that the bill be referred to the Committee on Finance.

The VICE PRESIDENT. The Senator from Kansas asked that the bill be referred to the Committee on Territories.

Mr. BACON. It is of such importance and involves such tremendous expenditures, including an issuance of United States bonds, that I think it ought to go to the Committee on

Finance. But I will not make the motion now, because of the absence of the chairman of the Committee on Territories.

THE JUDICIARY.

Mr. CRAWFORD. I introduce a joint resolution proposing an amendment to the Constitution, which naturally will go to the Committee on the Judiciary, but I ask that it may lie on the table, as I intend in the near future to address the Senate upon it.

Mr. HEYBURN. Let it be read.

Mr. CRAWFORD. I ask that it be read at length.

The joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following be proposed as an amendment of section 1 of Article III of the Constitution of the United States, which will be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States, namely:

Amend said section 1 to read as follows:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior court, shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office. The judges of the Supreme Court shall hold their offices during good behavior. The judges of the inferior courts shall hold their offices for terms of 10 years."

The VICE PRESIDENT. Without objection, the joint resolution will lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HEYBURN submitted an amendment proposing to pay former employees of the Forest Service the amount recommended by the Secretary of Agriculture for injuries incurred in fighting fires in the Coeur d'Alene National Forest, in Idaho, August, 1910, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Arizona submitted an amendment relative to the rates to be fixed by order of the Interstate Commerce Commission, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

INDIAN ALLOTMENTS.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 1332) regulating Indian allotments disposed of by will, which was referred to the Committee on Indian Affairs and ordered to be printed.

THE METAL SCHEDULE.

Mr. TOWNSEND submitted an amendment intended to be proposed by him to the amendment submitted by Mr. CUMMINS to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was ordered to lie on the table and be printed.

THE NATIONAL BANKING SYSTEM.

Mr. SMOOT. I ask that 200 additional copies of Senate Document No. 538, Sixty-first Congress, second session, be printed for the use of the Treasury Department.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That 200 additional copies of Senate Document 538, Sixty-first Congress, second session, on Crises in the history of the national banking system, be printed for the use of the Treasury Department.

PRIVILEGES OF THE PRESS GALLERY.

The VICE PRESIDENT laid before the Senate the resolution (S. Res. 314) submitted by Mr. HEYBURN on the 17th instant, which was read and referred to the Committee on Rules, as follows:

Resolved, That any paper publishing the proceedings of an executive session of the Senate, or what purports to be the proceedings of an executive session, shall not be entitled to the privileges of the press gallery of the Senate; and that the Sergeant at Arms of the Senate be instructed to exclude from the press gallery any representative of any paper publishing such report who may be found therein.

LOANS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate insist upon its amendments and consent to the conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. CURTIS, Mr. DILLINGHAM, and Mr. PAYNTER conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BURNHAM. I move that the Senate insist upon its amendments and that the request of the House of Representatives for a conference be granted, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BURNHAM, Mr. WARREN, and Mr. BANKHEAD conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 24153. An act to amend and reenact section 5241 of the Revised Statutes of the United States was read twice by its title and referred to the Committee on Finance.

EIGHT-HOUR LABOR LAW.

Mr. BORAH. I ask unanimous consent to call up for present consideration the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

The VICE PRESIDENT. For the purpose of discussion?

Mr. BORAH. For the purpose of consideration.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 9061) entitled "An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes."

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. Before consent is given I will ask the Senator if it is his purpose to have final action to-day. I understand the Senator from New York [Mr. Root], who is absent, desires to be present when the bill is considered, and I do not know that he will be here to-day.

Mr. BORAH. I have an understanding with the Senator from New York that I will not press the bill to final disposition in his absence, but there are amendments that can be disposed of to-day. I shall not ask for a final vote in the absence of the Senator from New York.

Mr. GALLINGER. I will further inquire from the Senator whether it is his intention to explain the provisions of the bill which are in controversy?

Mr. SIMMONS. That will not interfere with the unfinished business?

The VICE PRESIDENT. No. Is there objection to the present consideration of the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes?

Mr. GALLINGER. Let the bill be read.

The VICE PRESIDENT. The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

Mr. GALLINGER. Let it be read for information.

The VICE PRESIDENT. Without objection, the Secretary will again read the bill. The bill has been read, and the Senator from New Hampshire asks that it be read for the information of the Senate. Without objection, the Secretary will read the bill.

The Secretary read the bill.

Mr. BORAH. Mr. President, the law relative to an 8-hour day as it now stands upon the statutes of the United States is as follows:

That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to 8 hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than 8 hours in any calendar day except in case of extraordinary emergency.

The other provisions of the law perhaps it is not necessary to read, but I will insert them in the RECORD, being sections 2 and 3, which I have not read.

The sections referred to are as follows:

Sec. 2. That any officer or agent of the Government of the United States or of the District of Columbia or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia who shall intentionally violate any provision of this act shall be deemed guilty of a misdemeanor, and for each and every such offense shall upon conviction be punished by a fine not to exceed \$1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

Sec. 3. That the provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors or to limit the hours of daily service of laborers or mechanics engaged upon the public works of the United States or of the District of Columbia for which contracts have been entered into prior to the passage of this act.

Mr. BORAH. This bill, in brief, Mr. President, provides for an extension of the principles as found in the statute at the present time. In other words, the present law only applies to work actually carried on upon the public works. This bill is intended to cover all contracts which are made by the United States or the District of Columbia or any Territory or by and on behalf of the United States, the District of Columbia, or any Territory wherein mechanics and laborers are employed. The bill relates only to future contracts and not to present contracts, as has been apparently understood in some places or by some people.

Secondly, the bill covers, as I have said, all contracts made by the United States or the District of Columbia, or upon behalf of the United States or the District of Columbia. The contracts to be made by the Government or upon its behalf shall contain a provision that no employee of the contractor shall labor or be permitted to labor more than 8 hours per day, or of the subcontractor having a contract under the original contractor.

The bill further provides a penalty of \$5 per day for every violation of the law upon the part of any individual; that is to say, if an individual works or is permitted to work more than 8 hours a day upon any contract or subcontract having to do with this class of work, there shall be withheld from the contract price \$5 for each violation, which amount is to be retained. The parties who hold the contract have the right to appeal, in the first place, to the head of the department which may have been charged with the particular work; secondly, he may appeal from the final order, or, rather, submit his claim to the Court of Claims for final determination in case he is not satisfied with the determination made by the head of the department.

The law excepts from its operation all contracts for transportation by land or water and all contracts for the transmission of intelligence and such materials or articles as may be purchased usually in the open market, except armor and armor plate.

It also provides that any work which has been done heretofore by the Government, or which may be carried on by the Government, when done under contract, shall come under section 1 of the bill; that is to say, under the inhibitions of that section.

The bill also provides that—

The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent. No penalties shall be imposed for any violation of such provision—

Still reading from the bill—

In such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been justifiable.

Briefly, these are the terms of the bill. As I stated, its purpose is to extend the 8-hour principle to all contracts made upon the part of the Government for carrying on its work.

I ask that the bill may be read now for committee amendment. There are one or two to be offered.

Mr. GALLINGER. Are there committee amendments?

The VICE PRESIDENT. No committee amendments have been reported.

Mr. BORAH. I desire to suggest a slight amendment which I suggested the other day. Perhaps it will not be necessary to have the bill read.

Mr. LODGE. The bill does not need to be read again for that purpose.

Mr. BORAH. Very well; then I will suggest the amendment.

In section 2, page 3, line 25, after the word "of," I move to insert "section 1 of," so as to read:

With the terms and provisions of section 1 of this act.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LODGE. Mr. President, I wish to offer an amendment. It is an amendment that is printed, but which I modified a little at the end to make the phrasing better. It ought to come at the end of section 1. It says in the print "insert in section 2."

The VICE PRESIDENT. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. Add, at the end of section 1, the following proviso:

Provided, That in order to permit a Saturday half holiday to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

Mr. LODGE. Mr. President, if I may say a word in explanation, the laws regulating the hours of labor in the State of Massachusetts, and I know in some other States, fix the limit by the week; and in my State that is very important because the custom is almost universal of giving a half holiday on Saturday, which those who are employed much desire to retain.

Under this bill, without some such amendment as mine, it would be necessary to abandon the half holiday on Saturday in order to have the 8-hour day throughout the week. This amendment does not increase the number of hours of the week; it fixes it at 48 hours; but it allows them so to divide the 48 hours as to obtain work 3 hours on a Saturday and have the rest of the day. I know it is generally desired by all in employment in my State, and I can not see that it at all affects the purpose of the bill.

Mr. BORAH. Mr. President, the principle which is covered by the amendment of the Senator from Massachusetts was considered at length by the committee and was advocated by a number of parties coming before the committee. The committee had very extensive hearings upon all features of the bill, legal and as to policy also, and among other propositions which were urged or suggested and discussed was this proposition of a 48-hour week.

But, in the first place, there is not a universal call by any means upon the part of those most interested in the bill for the change—that is to say, comparatively few have the provisions with reference to a Saturday half holiday.

Again, the bill does not necessarily do away with the half holiday if they have a mind to so arrange it.

But the basic objection is the fact that it destroys the principle upon which this bill is built, and that is that the employee should not be required to work more than 8 hours upon any particular day, and it does not accomplish the purpose for which the measure is promoted to say that a man shall not work more than so many hours in a week. It leaves in the control of the employer both the question of the time per day to a very large extent and also the question of the unit of employment so far as wages are concerned.

While I do not propose to enter into an extended discussion of the question, the matter has been considered by the committee, and I am opposed to the adoption of the amendment.

Mr. REED. Mr. President, I should like to ask the Senator from Massachusetts if the language of his amendment would not be better if it provided "in cases where a half holiday is allowed."

Mr. LODGE. I am perfectly willing to have it modified in that way.

Mr. REED. I think as it is now it is not quite specific. I ask the Secretary to send me the amendment. Without the document I can not exactly express it. The amendment reads:

That in order to permit a Saturday half holiday to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

The thought I have is covered by the language, but it seems to me it should read that in case where a Saturday half holiday is permitted to laborers and mechanics engaged on such work an employment of not more than 48 hours per week, and so forth.

Mr. LODGE. I am not sure that that will not be a better arrangement of the language. What I want to get at is the substantive change. It would work a great deal of hardship in my State. It would not make any difference as to the pay. The pay is by the hour almost invariably in all great industrial establishments. As to the principle of a certain number of hours a day, there is no objection to that in the work, but it seems to me that to insist on an arrangement which would deprive men of their half holiday on Saturday, which is almost universal in my State and many others, and compel them to work the whole of Saturday when they would much prefer to arrange it as it is now arranged, is making the bill unnecessarily drastic. It seems to me there might be some liberty allowed to men themselves to have what they want.

Mr. HITCHCOCK. I should like to ask the Senator from Massachusetts a question.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. Certainly.

Mr. HITCHCOCK. He states that the law of Massachusetts provides for 48 hours a week. Is not that applied only in those cases where the laborers are paid by the week?

Mr. LODGE. Oh, no; the pay is by the hour. The law of Massachusetts is 54 hours a week for the manufacturing establishments. It is much lower than in any other State.

Mr. HITCHCOCK. So that the sacrifice of the Saturday half day is at the expense of the workmen?

Mr. LODGE. Not in the least. They are paid by the hour; it makes no difference to them any day when they work those hours. Their pay is not affected by it. It is only a question of what arrangement they like best.

Mr. HITCHCOCK. My impression is that the 48-hour week has generally been made to apply to them.

Mr. LODGE. There is no 48-hour a week law in my State, though there may be in other States. I know our 54-hour a week law is the lowest there is in manufacturing establishments.

Mr. HITCHCOCK. The Senator says that the law in Massachusetts limits the number of hours to 54 for a week.

Mr. LODGE. To 54 for a week.

Mr. HITCHCOCK. Is that the basis of their day's work?

Mr. LODGE. Oh, no; a basis of six days.

Mr. HITCHCOCK. Six days; five days of nine hours and—

Mr. LODGE. One day of three hours.

Mr. HITCHCOCK. And one day of three hours.

Mr. LODGE. Of course on Government work the 48 hours would apply. I do not mean to exclude the 48 hours on Government work, because the 8-hour law of the United States applies in navy yards and arsenals. I refer to the State law.

Mr. BORAH. Will the Senator from Massachusetts permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. Certainly.

Mr. BORAH. What protection would there be under the Senator's amendment, or what power would the laborer have to insure an 8-hour day? He would have 48 hours a week, but he might have a 12-hour day, and it is against that which we are contending.

Mr. LODGE. The amendment provides that no day shall exceed 9 hours.

Mr. BORAH. Precisely; but he might be made to work 12 hours in 1 day.

Mr. LODGE. The language of the amendment limits it to 9 hours.

Mr. BORAH. Very well; but that eliminates the principle on which the bill is framed, and that is the 8-hour day. If we were constructing it upon a 9-hour basis, it would be a different proposition; but they have the power under this to employ men 9 hours instead of 8.

Mr. LODGE. And 3 hours on the remaining day.

Mr. BORAH. It turns, then, upon the proposition of whether we want a 9-hour day instead of an 8-hour day.

Mr. LODGE. Not at all. It can not be over 48 hours; it can not go over 8 hours a day. It simply allows them to arrange 48 hours a week in the manner they prefer, and it gives them a half holiday Saturday and their Sunday.

Mr. BORAH. But if a man is engaged in that kind of employment where he ought not to work over 8 hours a day, this would be no protection to him at all.

Mr. LODGE. It limits it to 9 hours.

Mr. BORAH. Yes; exactly.

Mr. LODGE. Well, of course, that is a thing which I should think they might decide for themselves.

Mr. BORAH. Mr. President, you might just as well say that they might decide whether they shall be employed 12 hours or not.

Mr. LODGE. It makes no possible difference to the corporation, of course, whether the men work 48 hours in 6 days or whether they work 5 days for 9 hours, and 3 hours on the sixth day. The corporation gets the 48 hours' work, so it makes no difference to the employer at all.

Mr. BORAH. In view of that suggestion, and as I am satisfied the laboring man would rather have 8 hours a day, I do not see the necessity for urging it, because very few of them have advocated the proposition. It practically destroys the principle of the bill in order to get that afternoon holiday. They would prefer to have the principle established and waive that afternoon if they must do so.

Mr. LODGE. That is not the information that I get, which comes to me from great establishments. Of course, great establishments would not be affected at all by this law where they do no Government work; but great establishments like the Fore River shipyard, where there are some four or five thousand men employed, prefer this arrangement. All I can say about it is that it seems reasonable and fair.

Mr. OLIVER. Mr. President, I will say that this matter has been brought to my attention by a manufacturer who does a large amount of Government work. In his establishment the Saturday half holiday is an established institution, and I am assured by him, and I believe it is the case, that the men employed in that establishment, and in all other establishments, would very much prefer to have a Saturday half holiday, as they have it now, than to have the 8-hour day established.

Mr. BORAH. Does the Senator from Pennsylvania know of any considerable sentiment of that kind expressed on the part of the laboring men?

Mr. OLIVER. If time is granted, I think I can obtain almost the unanimous sentiment to that effect of the men who work in that establishment and in many other establishments. I say that the laboring men with whom the Senator has been conferring are not the men who work, but the men who assume to represent the men who work, and that the actual workers are not so insistent upon this shortening of the day as they are to have a liberal time at the end of the week for rational enjoyment.

Mr. BORAH. The Senator from Idaho has been conferring with some men who have been worked in some of the institutions to which the Senator from Pennsylvania doubtless refers for 12 hours a day and 7 days in the week; and it is to avoid the recurrence of such brutal treatment of the laborers of this country that this bill is being inaugurated and urged.

Mr. OLIVER. Mr. President, the establishment to which I have referred is to-day working upon a day not exceeding 9 hours. The men quit work every evening, and they do not go to work until the next morning; they quit work at 12 o'clock on Saturday, and they do not again go to work until Monday morning. If the Senator refers to a 12-hour day, I have nothing to say in its defense; but in any ordinary establishment doing Government work I do not see any objection to a reasonable 9-hour day. I believe the men will be happier, will be more prosperous, and at the end of the year will be better off with a day of 9 hours and a reasonable holiday on Saturday afternoon than they will if they are cut down to 8 hours and forced to work all day on Saturday or, in the other alternative, lose the pay for 4 hours of the week, when they themselves would prefer to be at work.

Mr. LODGE. Mr. President, I should like to modify the amendment, if there is no objection, to conform with the suggestion of the Senator from Missouri, so that it will read:

Provided, That if a Saturday half holiday is given to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

The PRESIDING OFFICER. The amendment as proposed to be modified will be stated from the desk.

The SECRETARY. At the end of section 1 it is proposed to add the following proviso:

Provided, That if a Saturday half holiday is given to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

Mr. LODGE. Mr. President, under the amendment as proposed to be modified by the Senator from Missouri it is a matter to be entirely left to the decision of the men and the employers. As to the employers, it is a matter of indifference; the interest is wholly that of the men.

Mr. WILLIAMS. If I have heard the amendment correctly, it says "provided a Saturday half holiday be given."

Mr. LODGE. "That if a Saturday half holiday is given."

Mr. WILLIAMS. Yes. That does not work out mathematically. If the men are worked 9 hours a day for 5 days that is 45 hours.

Mr. LODGE. Yes.

Mr. WILLIAMS. Now, upon the basis of 9 hours a day for 5 days that would be 45 hours, and a half of Saturday would be 4 hours, making 49 in all, whereas they would be due to work only 48 hours.

Mr. LODGE. The 48-hour limitation, of course, would prevent more than 3 hours on Saturday. The custom is to work 3 hours on Saturday, making all the other days 9-hour days. It is an easy matter to arrange.

Mr. WILLIAMS. Now, if the Senator from Massachusetts will pardon the interruption just for a sentence, I think the object of making an 8-hour day provision is to keep from putting too great a continuous strain upon the human machine. If it be thought that 8 hours is a sufficient strain to put upon

a man in any one day—and I think it is; I think old Sir Matthew Hale was very wise when he said that a day ought to be divided into three equal parts, 8 for work, 8 for sleep, and the other 8 for rest, food, and edification—if that be the case, and then you make a limitation of 48 hours a week, it enables a man to be overstrained continuously in one day. It might be fixed so that for 4 days he would work 10 hours a day, and on 1 day he would work 8 hours. It seems to me it would be better to make the limitation 8 hours a day; and in the course of time the Saturday half holiday will come with the 8-hour day. It must come after a while, as it has come in England and will come here.

I do not know but that if I were working I would prefer to work 9 hours a day and have my Saturday 4 hours off; but it seems to me that in the ultimate interest of the laboring people, knowing, as I think I do, that the Saturday half holiday has got to come anyhow, it is better to confine the labor to 8 hours a day.

Mr. LODGE. Well, Mr. President, it seems to me, speaking of my own feeling and experience, that I would a great deal rather have my half day than to work every day for 8 hours. It seems to me that is a common-sense arrangement and the most agreeable way of working out the matter. I know that is the feeling of the men who work in our great shipyards. They much prefer such an arrangement. Of course, if it is fixed at 8 hours a day and 48 hours a week, the reduction is a very heavy one, in any event, in the number of working hours, and it will be absolutely necessary for the men to work all of Saturday. It is only in the interest of the men that I offer the amendment.

Mr. SUTHERLAND. Mr. President, I believe very thoroughly in the 8-hour day. I have been an advocate of it for many years. As a member of the legislature of my own State in 1896 I had the honor of assisting in the preparation and enactment of the 8-hour law of that State applying to mines and smelters, which was held to be constitutional by the Supreme Court of the United States in the case of *Holden v. Hardy*. At that time I investigated the subject somewhat, and I became convinced that the 8-hour day for men engaged in employments of that character would, in the end, turn out to be for the benefit of both the employer and the employee.

I would make this line of division—it is not a very accurate line; not a line that could probably be laid down in exact words in legislation; but, roughly speaking, I would make this line of division—wherever a man is engaged in mechanical work or in manual work which requires the use of the same muscles, or substantially the same muscles, hour after hour, I would make the 8-hour day compulsory, because when a man has worked at one task calling into play the same muscles and straining his attention for 8 hours, he has done as much as the average man ought to be called upon to do. I would not apply that to the farm, because upon the farm the man is engaged in the open air; he is engaged in a multitude of tasks. One portion of the time he is raking hay; another part of the time he is doing something else; his work is diversified, so that different muscles are brought into play, and there is no need in an employment of that kind of enforcing the 8-hour day. But in mechanical pursuits I believe thoroughly that the 8-hour day in the end will be better for both the employer and employee, because while I think a man might do more work in 10 hours than he could do in 8 for 1 day or for 2 days, in a year a man will do more work and better work if he is working 8 hours each day than if he is working 9 hours each day.

I know that men employed in mines and smelters in my State would very much prefer to take the 8-hour day as now provided by our law for each day in the week than to be compelled to work 9 hours upon some days and have a half holiday on Saturday. I think the hour at the end of the day gained by the man in each day is far better for him than a half a day gained at the end of the week. A man who is enabled to quit work at 4 o'clock instead of at 5, making that hour each day, at the end of the year, I think, would be far better off than the man who is compelled to work 9 hours each day except on Saturday. Therefore, while I do not know the exact conditions which prevail in Massachusetts and some of the other States, I am very thoroughly in favor of the general principle of the 8-hour day. We can not make such a law that will be effective unless it is compulsory; we can not very well leave it to an arrangement between the employer and the employee, because in a contest of that kind I think the employee would usually be at a disadvantage as compared with the employer. I shall therefore vote against the proposed amendment.

Mr. REED. Mr. President, I simply want to say a word or two. If I thought the amendment offered by the Senator from Massachusetts was against the principle of the 8-hour day,

contended for so long by laboring men, and particularly by union labor, I would not support the amendment. I am impelled to give it my support, because I have received a considerable number of communications from laboring men in my State asking for this very modification. I am not prepared to say that they represent the general sentiment of labor, but I have received communications of that nature and nothing to the contrary, and it leads me to believe that—at least so far as my own immediate constituency are concerned—they prefer the half holiday.

The arguments that these men have advanced, very briefly, are that by the grant of a half holiday on Saturday they are enabled to close up whatever business transactions they have for the week and to prepare themselves for their day of rest on Sunday; that frequently they desire to take little excursions out of the city for Sunday; that they can prepare for them, and even can leave their homes and gain some additional pleasure at the week end which they could not obtain if they were compelled to work until Saturday evening.

These men say to me that it does not invade the principle of the 8-hour day, because they obtain in the aggregate the limitation upon their hours of labor, and that is what they desire. Forty-eight hours a week is not too great, in their opinion, for men to work, or, at least, they have not advanced to the point where they are asking a greater limitation; but this division of the 48 hours, in their judgment, would be more advantageous to them. I want it to be clearly understood that I do not undertake to say this represents the views of labor. It simply represents them so far as I have heard them.

The argument, of course, that they might be compelled to work too long hours a day—10 or 12 or 15—until they have labored the aggregate of 48 hours is not sound, because the amendment which is offered expressly limits the number of hours to 9 a day.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. Just allow me to conclude my sentence. It was for those reasons that I was led to feel that the amendment would be one which would be welcomed by the laboring classes. I yield to the Senator from Idaho. I have not concluded; but I will endeavor to answer any question which he may desire to ask.

Mr. BORAH. The Senator will concede, I think, that the practical effect of this amendment would be to establish a 9-hour day instead of an 8-hour day.

Mr. REED. No; I do not think you would be fair in saying that, because the employer is expressly required to grant the half holiday unless he gives the 8-hour day. The amendment as it is now prepared limits the day's work to 8 hours unless there is actually the half holiday granted. That was undoubtedly the intention of the amendment as originally drawn and probably would have been its construction; but it is clear now.

Mr. BORAH. As a practical working proposition, however, the employer could employ a man for 9 hours a day and pay him the same as he otherwise would pay him for 8 hours a day.

Mr. LODGE. Oh, no.

Mr. BORAH. I think he could.

Mr. LODGE. The men are paid by the hour in all the industries that I know of.

Mr. BORAH. If you are employing a man who is paid by the hour, that may be so, but I am speaking of a large class of another kind of employees, where the unit of employment would be 9 hours instead of 8 hours.

Mr. LODGE. Of course if the purpose of this bill is to deal with wages—and I do not so understand; I thought the purpose was to deal with the hours of labor—that introduces a new element. The payment is so generally by the hour that I should not think it would have any effect at all, but if they have got to pay for 48 hours a week, what difference does it make to them how they do it?

Mr. BORAH. If they work by the hour, the Senator from Massachusetts is quite correct in his position, I presume; but if they do not the result would be as I have indicated. In any event it would certainly establish a 9-hour day instead of an 8-hour day, and so it resolves itself into a question of whether a person is in favor of a 9-hour day or an 8-hour day.

Mr. REED. Mr. President, I do not think that argument is as fair as the arguments ordinarily advanced by the Senator. The bill expressly provides that the hours of labor shall be limited to 8 hours a day, provided, however, that if a half holiday is given, then the time granted on the half holiday may be worked out on the other days of the week. That is all it means. It means an 8-hour day figured for a week on the average. The employee does a little more on some days and

nothing on Saturday afternoon. It is the principle of the 8-hour day.

As I view it, I would not be willing for a moment to assist any movement or any amendment which I thought militated against the establishment of an 8-hour day. The only man who could be injuriously affected by this measure would be the man who worked just one or two days during a week and then was discharged, or was employed only temporarily. Under the bill, if a man is employed by the week and works 8 hours a day, he has worked 8 hours a day at the end of the week. Under the amendment at the end of a week if he has worked 48 hours his labor stops. In either event the hours of labor are limited to 48 a week; but the amendment permits the employer and the employee to provide for a little different division of the time; that is all.

So far as I am concerned, if the laboring men of the country have thoroughly made up their minds that it will impinge upon the principle they are contending for to permit this division of time, I would allow them to have their way about it, but I do know that there is a growing disposition in more States than Massachusetts for a half holiday, particularly during the long, hot days of the summer. In many employments—in nearly all public employments—it has grown to be a custom to grant a Saturday half holiday at least during the hot months of the summer. That enables the men to leave their places of business at noon on Saturday; to take their families on many little excursions to the country; to visit adjoining cities and villages. It gives them time to go to places where they would not go if they had to work all day on Saturday, and it enables them to close up during the afternoon the business of the week; to do their shopping and their trading. Stores in most cities are now closed, particularly in the hot months, at 5 or 6 o'clock in the afternoon and some of them even earlier on Saturday. I think we are moving toward that condition; and so believing, I have felt, and I still feel, that this amendment is in the interest of the men. If it is not, of course it ought not to be adopted.

Mr. HITCHCOCK. Mr. President, it seems to me that the chief objection to the amendment proposed by the Senator from Massachusetts is that it introduces a complication and a confusion into what in the pending bill is a simple proposition. There are no doubt a number of laboring men, and possibly some laboring organizations, who would like to establish the Saturday half holiday. There are others who think that the Saturday half holiday is little to be desired; so that there is a division of opinion upon the merits of the Saturday half holiday. In my opinion the Saturday half holiday applies to a limited number of occupations and is desirable chiefly in occupations which are not involved in this bill.

Mr. LODGE. If the Senator will allow me, the occupation chiefly involved in this bill, of course, is that of shipbuilding. That employs the largest number of men on Government work, and it is those men who want the half-holiday arrangement.

Mr. HITCHCOCK. I think not. This bill applies to Government work, whether in shipyards, in the construction of Government buildings, in the building of Government canals, or to doing Government work upon the rivers or upon the harbors or anywhere else. It applies only to Government work done under contract.

Mr. LODGE. I understand that. If the Senator will allow me, I grasped the fact that it applies to Government work, but it does apply very largely to shipbuilding yards, and those now have the half holiday, I think, almost universally.

Mr. HITCHCOCK. That may be. I do not dispute that fact; but still my proposition remains that it applies to Government work of all kinds done by contract.

Mr. SHIVELY. Does the Senator understand that it will apply to Government work wherever it happens?

Mr. HITCHCOCK. Yes.

Mr. SHIVELY. Not only in Government establishments, but in any institution that has a contract for doing such work for the Government.

Mr. HITCHCOCK. I think that is true.

Mr. LODGE. I did not mean ships being built in navy yards, but in private establishments. The navy yards have the 8-hour law now.

Mr. HITCHCOCK. I understand it applies to all persons employed on Government work, and that they shall work only 8 hours, and this bill undertakes to extend that law to contractors working for the Government.

Mr. LODGE. When I spoke about ships, I did not refer to navy yards.

Mr. HITCHCOCK. I understand that.

Mr. LODGE. I referred to private yards that are building ships for the Government by contract. They employ by far the largest number of men.

Mr. HITCHCOCK. The struggle to obtain an 8-hour day is a well-defined struggle among the laboring class. It has been gaining ground steadily for a number of years, and many who were radically opposed to it have come to realize the moral and physical benefit it confers upon the industrial class. Practically speaking, it is supported unanimously by all those who belong to the industrial classes. This bill is to carry that desire and that reform into effect, and I think it would be something in the nature of a misfortune to complicate it by introducing the side issue of a Saturday half holiday.

Mr. BORAH. Not only has it been found to be beneficial to the workmen, but a great many large employers of labor have learned that they get equal work and an equally efficient amount of work from the 8-hour day.

Mr. HITCHCOCK. That is very true, and that has been testified to by employers of labor. If it be a fact that the ninth hour is an evil to the man who is compelled to work that hour, that evil will exist during the 9 hours contemplated by the Senator from Massachusetts just as much as it would exist if it were to cover 6 days. And I think we ought to stand by the proposition that what we propose to do in this legislation is to carry into effect in Government work, whether done directly by the Government or indirectly, by contract, is to abolish the tired hour and introduce the model workday of 8 hours only.

Mr. REED. I want to ask the Senator if he does not think that the Sunday rest helps to qualify a man for another struggle the ensuing week?

Mr. HITCHCOCK. I think it helps very materially.

Mr. REED. And if that period of time is extended for another half day would not that be carried over the week and help to compensate for the extra hour a day? To state it fairly, do you not think it will at least alleviate the hardship of the extra hour?

Mr. HITCHCOCK. It would be an alleviation undoubtedly, but I do not believe that the Saturday half holiday is sufficient compensation for the 5 extra hours work on the other 5 days of the week. I believe if we propose to guarantee to those who do Government work this up-to-date civilized reform of relieving them of the tired hour, we ought to do it in this bill, and not allow ourselves to be diverted into what I think is a side issue.

As the Senator from Idaho has suggested, the 8-hour law once in effect may result in some important modifications, and as the Senator from Mississippi [Mr. WILLIAMS] has stated, so I believe that ultimately we will have in this country the 8-hour day as the limit and possibly in many occupations we will have in addition to that the Saturday half holiday also, on the basis of an 8-hour day and not upon the basis of a 9-hour day.

Mr. STONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. HITCHCOCK. Certainly.

Mr. STONE. I desire to ask one question. I understand the amendment proposed is permissive in its effect; that is to say, if enacted into law an employer engaged on some public work and his employees might enter into an agreement among themselves whereby the half holiday would be given on Saturday in return for an additional hour's work each day during the remainder of the week. Now, in the absence of an agreement of that kind, the law providing for 8 hours would apply absolutely and unconditionally, if that is correct. If that is the provision of the amendment, would the Senator deny that opportunity to the workmen? They will be the most concerned and will, I should think, be the first of all who would ask for this arrangement, if it is asked for at all, for I can not see what difference it makes to the employer if he gets 8 hours' labor a day in any event.

Now, would the Senator deny to men in any particular employment and to an employer the right to make an agreement of this kind, if the men thought it was for their best interest and they desired it?

Mr. HITCHCOCK. The position of the Senator from Missouri is that when you open that door to this right you assume that the men are unanimously in favor of one proposition or another. It would seem to be unreasonable to deny to the men, if they were unanimously in favor of a Saturday half holiday, the privilege of agreeing to it; but we know as a practical proposition that if one of the shipyards in Massachusetts to which the Senator referred desires to continue its Saturday half holiday and submitted the proposition to the men and half the men so employed voted in favor of the Saturday half holiday the others might be under a practical compulsion to accept it in order to hold their positions. It is for the pro-

tection of the men themselves against entering upon the practice which we believe to be injurious that this bill is proposed at this time.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 18642.

Mr. LODGE. I simply desire to request that the amendment which has been under discussion may be printed as modified, so that it will be clearly before the Senate.

The VICE PRESIDENT. Without objection, the amendment will be printed as modified.

THE METAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. Mr. President—

Mr. HEYBURN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	du Pont	Lippitt	Reed
Bailey	Fall	McLean	Richardson
Borah	Fletcher	Martine, N. J.	Sanders
Bourne	Foster	Myers	Shively
Bradley	Gallinger	Newlands	Simmons
Bryan	Gardner	Nixon	Sutherland
Catron	Gore	O'Gorman	Swanson
Chamberlain	Gronna	Oliver	Tillman
Clarke, Ark.	Heyburn	Overman	Townsend
Cullom	Hitchcock	Page	Wetmore
Cummins	Jones	Paynter	Williams
Dillingham	Lea	Perkins	Works

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Senate.

Mr. MARTINE of New Jersey. I have just received from the Senator from South Carolina [Mr. SMITH] a message requesting me to announce to the Senate his absence owing to a death in his family. I have no further knowledge of particulars, but I beg to make the announcement as requested.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business.

Mr. SHIVELY. I desire to announce that my colleague [Mr. KERN] is absent from the Chamber on official business.

The PRESIDING OFFICER (Mr. PAGE in the chair). Forty-eight Senators have answered to their names. A quorum of the Senate is present. The Senator from Utah will proceed.

Mr. SMOOT. Mr. President, at the conclusion of my remarks on Friday last I was discussing the question of freight rates. I did not have a chance to conclude what I had to say upon that subject. I have a table showing the United States domestic freight rates from Chicago to New York, Buffalo, Mobile, New Orleans, San Francisco, and from Pittsburgh to those same points, also from Birmingham to the same points upon rails, pig iron, billets, and finished products, and also the foreign freight rates from the mills, factories, and furnaces in Germany and England to the principal ports of the United States, inland and ocean-freight rates combined, from foreign mills to New York, Mobile, New Orleans, and San Francisco upon the same products. I do not desire to take the time of the Senate to go through those rates, but I submit the table.

United States domestic freight rates.

	Rails per gross ton.	Pig iron per gross ton.	Billets per gross ton.	Finished products per 100 pounds.
From Chicago to—				
New York.....	\$4.70	\$4.62	\$4.95	\$0.30
Buffalo.....	2.80	2.80	3.00	.18
Mobile.....	4.00	6.272	6.272	.28
New Orleans.....	4.00	6.272	6.272	.28
San Francisco.....	11.00	1.50	1.60	.80
From Pittsburgh to—				
New York.....	2.60	2.45	2.60	.16
Buffalo.....	1.65	1.75	1.80	.11
Mobile.....	4.44	6.72	6.72	.29
New Orleans.....	4.44	6.72	6.72	.29
San Francisco.....	13.50	14.00	16.44	.85
From Birmingham to—				
New York.....		5.92	5.95	.29
Buffalo.....		4.90	4.90	
Mobile.....	2.50	2.75	2.75	.12
New Orleans.....	3.00	3.00	3.00	.13
San Francisco.....	11.75	13.20	13.20	.75

¹ Per 100 pounds.

Foreign freight rates from the mills, factories, and furnaces in Germany and England to the principal ports in the United States (inland and ocean freight rates combined).

	Rails per gross ton.	Pig iron per gross ton.	Billets per gross ton.	Finished products per gross ton.
From foreign mills to—				
New York.....	\$2.85	\$2.85	\$2.85	\$3.00
Mobile.....	3.35	3.35	3.35	3.50
New Orleans.....	3.35	3.35	3.35	3.50
San Francisco.....	7.50	7.50	7.50	8.75

Ocean freight rates from Great Britain and North Sea ports.

To—	Boston.	New York.	Philadelphia.	Baltimore.
Iron ore.....	\$1.75	\$1.75	\$1.65	\$1.65
Pig iron.....	1.50	1.50	1.50	1.50
Rails.....	1.65	1.65	1.65	1.65
Billets.....	1.65	1.65	1.65	1.65
Bars.....	1.75	1.75	1.75	1.75
Plates.....	1.75	1.75	1.75	1.75
Structural.....	1.85	1.85	1.85	1.85
Sheets.....	1.85	1.85	1.85	1.85
Tin plates.....	1.85	1.85	1.85	1.85
Rods.....	1.75	1.75	1.75	1.75
Wire.....	1.75	1.75	1.75	1.75
Tubular products.....	1.75	1.75	1.75	1.75

In connection with the rates given in the table, perhaps I had better call particular attention to what they really mean to the American manufacturer. The result, if the House bill became a law, would be that the foreign manufacturer would monopolize the entire business in the heavy steel products within a section varying from 50 to 200 miles wide, extending from Maine to Texas, from California to Washington, along the entire seaboard of the United States. In this zone it would be impossible for domestic manufacturers to compete with foreign manufacturers at the present American manufacturing cost in the whole of the six New England States, about one-half of the State of New York, the whole of New Jersey, Delaware, Maryland, most of Virginia and North Carolina, the whole of South Carolina, the whole of Florida, the greater part of Georgia, a part of Mississippi, most of Louisiana, practically all of Texas, New Mexico, and Arizona, as well as Oregon and Washington.

Mr. President, from a glance at the map we can see where the manufacturers of these heavy products are located and that a great part of the American market would be open, not upon an equal basis with the foreign manufacturers, but the manufacturers of this country would be absolutely at a disadvantage. Included in this area there are marketed nearly 1,000,000 tons.

The fact has been referred to in this discussion that there have been mammoth fortunes made in this industry, that they have not been measured by millions, but hundreds of millions of dollars. Mr. President, if anyone will study the history of this great industry, he will find that those who have made these enormous fortunes were the pioneers in this industry. They were the men who created it and gave it birth in this country. They were the ones who have through creative powers perfected it until it is the greatest industry as to the quantity of goods manufactured of any in all the world. They started at a time when steel rails were selling in England at \$96 per ton. At that time there was a duty upon rails of \$28, and ever since steel rails have been gradually falling in value.

Mr. President, under the conditions existing to-day, Mr. Andrew Carnegie could not make the money he has made in the past. Under present conditions Mr. Schwab could not make the money that has been made by him and his associates in the past. He so testified before the committee. Mr. Schwab, in his testimony, stated that he had labored with the Bethlehem Steel Works a great part of his life and his pride was to build it up and make it a model institution, and up to the present time he had not drawn one cent in dividends. He also said that he could lose all he had invested in the company and not affect him much, as he could live without it and did not have an heir to leave his wealth to.

I thought at the time Mr. Schwab made that statement how much happier and contented a man must be who is blessed with a wife and children, bending every energy that his labors might be crowned with success and encouraged by those who actually love him and always ready to share with him success or failure, wealth or poverty, general applause or public condemnation than one without an heir, even though he has been successful in making millions. Wealth, though measured by

millions, is not the greatest gift to man and in but few cases brings real happiness.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. PAGE in the chair). Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. I wish simply to correct what I think is an inadvertance on the part of the Senator from Utah. I do not remember that Mr. Schwab testified that he had given his life to the Bethlehem Steel Works or that he had been connected with that institution during the greater part of his life. Mr. Schwab's association with the Bethlehem Steel Works is of very modern origin and he made his fortune, as the Senator knows, in connection with another enterprise and with other associates.

Mr. SMOOT. That is true, Mr. President. His association with the Bethlehem Steel Works has not been as long as I stated. I will correct that statement, but I desired to have it appear that he spent most of his life in this industry and that he is familiar with every detail of it.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I yield to the Senator from North Carolina.

Mr. SIMMONS. I think, Mr. President, that while the Bethlehem Steel works, now capitalized at about \$15,000,000, last year paid 10 per cent dividends on the \$15,000,000, the stockholders have never subscribed and have never paid in outside the earnings of the company except about \$300,000.

Mr. SMOOT. The Senator has made that statement once before and I would—

Mr. SIMMONS. I read that from a letter of Mr. Schwab.

Mr. SMOOT. I have been unable to find out where he secured the information, because Mr. Schwab testified that not only all the profits made by the company had been put back into the industry, but other large sums of money besides.

Mr. SIMMONS. I made that statement from the authority of a letter which I read from Mr. Schwab himself.

Mr. SMOOT. Does the Senator mean to say that the Bethlehem Steel Co. declared a dividend payable to the stockholders last year of 10 per cent?

Mr. SIMMONS. That is my recollection.

Mr. SMOOT. I think the Senator is mistaken in that regard.

Mr. SIMMONS. I can not be mistaken about the letter which I read from Mr. Schwab, in which he stated—

Mr. SMOOT. I know in the testimony of Mr. Schwab he stated that he had never taken a penny out of the business—not one penny.

Mr. SIMMONS. It is true unquestionably that he said he had never received a penny out of the business. The earnings of the plant have gone into improvements and into enlargement and expansion, but the fact I state, and I think it sustained by the letter which I will try and find and read a little later, is that the stockholders had contributed but \$300,000 of this enormous plant capitalized at \$15,000,000, and the result of that \$300,000 in actual cash the stockholders have to-day a plant worth \$15,000,000.

Mr. SMOOT. That is for about 50 years.

Mr. SIMMONS. No; not at all.

Mr. SMOOT. I have not the testimony of Mr. Schwab here, but the Senator can turn to it and see exactly what he said in relation to that matter. However, I do remember positively that he said he had not drawn a penny from the earnings of the company and every dollar that had been made from the time it started had been put back into the business. Mr. President, deposit money in a savings bank and compound the interest every three months or every six months and see what it will amount to in 50 years and you can then have an idea of how rapidly a business will increase, if successful, by allowing its profits to accumulate.

Mr. CUMMINS. Mr. President, I think the Senator ought to do Mr. Schwab full justice in regard to this matter. I do not think Mr. Schwab said or intended to say that the Bethlehem Steel Works had never paid dividends. I think he meant to say that after he had left the Carnegie Co., and after the organization of the United States Steel Corporation and during his association with the Bethlehem Steel Works, and he became, I think, one of its large owners at that time, he had not taken dividends from this organization. I do not believe he intended to say that there never had been anything paid on capital during the history of this concern.

Mr. SMOOT. Perhaps I had better read the testimony, Mr. President, as I have it here.

Senator STONE. What is the per cent of profit on the product to the stockholders?

Mr. SCHWAB. Most of the stock belongs to me, and I am sorry to say I have never taken a penny out of the concern the years I have owned it.

Senator WILLIAMS. Do you mean by that you have made no profit, that you have put it back in the business?

Mr. SCHWAB. I have not made sufficient profit to feel that the best interests of the concern justified me in taking a dividend.

Senator WILLIAMS. So you have put it back in the business—increased the business?

Mr. SCHWAB. I have put it into bettering the business. People speak of 20 and 25 per cent being an unusual profit on a manufactured product, too great a product in the manufacture of iron and steel. I want to say if they will study the history of the industry to see how plants have had to be rebuilt every 5 or 10 years, new processes introduced, they will take a different view. I know of no concern in these 30 years making 20 per cent profit that has been able to pay its stockholders one-third of it.

Senator STONE. Can you tell me this, how much you have taken out in the form of a dividend?

Mr. SCHWAB. Yes. I can tell you the earnings if you would like to know that.

Mr. CUMMINS. I think the Senator from Pennsylvania [Mr. OLIVER], who is intimately acquainted with all these developments, could tell the Senate exactly when Mr. Schwab acquired his ownership in the Bethlehem Steel Works.

Mr. SMOOT. You mean in the present company?

Mr. CUMMINS. In the present company.

Mr. CUMMINS. He was not connected with it before—

Mr. OLIVER. I think it was about 1903 or 1904.

Mr. CUMMINS. That was my recollection.

Mr. SMOOT. Now, Mr. President, all the examinations made of the difference between the cost of producing steel products in this country and in a foreign country, and all the information that we have in this regard is virtually a one-sided proposition, and in order to show how impossible it is to obtain information of the cost of production in a foreign country, I will read from Herbert Knox Smith's report on page 8.

Mr. McCUMBER. Before the Senator reverts to that, may I call his attention to what Mr. Schwab's testimony was concerning his own plant? He states on page 302, speaking of his own plant:

In taking the earnings, year by year, of our plant—which is typical of the industry—I find, for example, in 1908 our earnings were 2.66 per cent on the stock; in 1906, 2.54; in 1909 they were 12.22. That was a good year. In the last two years they have been about 6.75 per cent. But the average of the whole business for all this period is 4.3 per cent earnings upon the stock.

Mr. SMOOT. I will call attention in a few minutes to some of the earnings of the great steel companies of Germany and England, and what dividends they are paying.

Mr. CUMMINS. I think the Senator from North Dakota, if the Senator from Utah will permit me, has not made clear what relation the stock bears to the investment. I venture to say that the stock upon which he said the returns have been small is nominally four, five, or six times the amount of the independent capital invested in the business.

Mr. McCUMBER. I think not. I remember clearly the evidence in that case and I am certain, as I recall the evidence, that there was a very close relation between the amount of stock issued and the actual cash which has gone into the business. In another section of the testimony that is covered in full, and I am very certain the Senator is in error even in supposing that stock is a half greater than the amount of the capital invested.

Mr. CUMMINS. I am unable to sustain my statement at this moment. I am not now speaking of the accumulated investment growing out of the earnings, but I feel very sure that the independent capital invested in this enterprise is not one-fifth of the present capitalization.

Mr. SMOOT. Mr. President, continuing the testimony of Mr. Schwab, Senator STONE said:

I would like to have the net earnings.

Mr. SCHWAB. From 1905 up to 1911, inclusive, my company earned \$9,871,000 net; that is 7 years. That is after deducting all bond interest, fixed charges, etc. That left for my stock, after deducting depreciation, in those 7 years, an average of 4½ per cent.

Senator STONE. On the stock?

Mr. SCHWAB. On the stock.

Senator STONE. What is the amount of the bonds?

Mr. SCHWAB. Twenty-five millions.

Senator STONE. And thirty millions of stock?

Mr. SCHWAB. Thirty millions of stock.

Senator STONE. What is the interest on the bonds?

Mr. SCHWAB. Some 5 and some 6 per cent; an average of 5½ per cent.

Senator STONE. Are you a large owner of the bonds?

Mr. SCHWAB. Yes, sir.

Senator STONE. Do you own most of them?

Mr. SCHWAB. No, sir; I have sold the bonds. I still have some for sale.

Senator STONE. You have a good, large salary list to be paid to what you call the overhead men?

Mr. SCHWAB. Yes; a fairly good salary list.

Senator STONE. What is your salary?

Mr. SCHWAB. I have none.

Senator STONE. You work for nothing?

Mr. SCHWAB. Yes.

Senator GALLINGER. You have some places for high-class men now, have you not?

Mr. SCHWAB. I have; yes.

Senator STONE. Who are the stockholders?

Mr. SCHWAB. They are very widely scattered.

Senator STONE. I did not mean to say stockholders—I meant directors.

Mr. SCHWAB. Do you want the names of the directors?

Senator STONE. Yes.

Mr. Schwab then gives the names. I thought I could turn to the testimony of Mr. Schwab to show just what had been paid for stock in actual cash in the formation of the company, and also what had been credited in the shape of dividends. I am quite sure the Senator will find that he is mistaken when he says it is only one-fifth of the stock issued.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Certainly.

Mr. SIMMONS. If the Senator will permit me, I have not the letter here but I will read from the CONGRESSIONAL RECORD where it is incorporated in a speech made in the other House by Representative PALMER. He says, after citing some tables:

These conditions obtained during the same period of time covered by the statement of the president of the Bethlehem Steel Co. when he wrote, under date of November 5, 1909:

"The capital stock of the Bethlehem Steel Co. amounts to \$15,000,000 (all owned by the Bethlehem Steel Corporation), divided into 300,000 shares at \$50 par. While nominally only \$1 per share has been paid in, the surplus of the company is practically sufficient to pay the stock in full, and the company intends to issue stock to represent this surplus."

Then the speaker makes the following statement:

Apparently this intention of the company was carried out and the earned profits added to the capital account, for in 1910 we find that the Bethlehem Steel Co. earned, net, after liberal additions to depreciation and furnace relining reserves and considerable redemption of funded debt, the comfortable amount of \$1,789,462.09, which was sufficient to nearly double the then surplus and declare and pay a dividend of 10 per cent, amounting to \$1,500,000 on the capital stock of the company, which, according to Mr. Schwab's statement, consisted of \$300,000 contributed in cash and \$14,700,000 earned profits.

Mr. SMOOT. Mr. President, I know nothing of the statement. All I know is that it is not correct, as Mr. Schwab testified before the committee that the total capitalization of bonds and stocks in the company was \$55,000,000.

Referring again to the question of obtaining information as to what goods cost in foreign countries, Herbert Knox Smith, in his report, makes this statement:

The bureau made a comprehensive investigation into the costs of the raw materials and finished products of the iron and steel industry in the United States, the principal results of which are presented in this report. It also attempted to get similar costs of manufacture in the chief foreign producing countries, but, while much information of a general character was obtained relating to the subject, it was found impossible to obtain any comprehensive information as to the costs as shown directly on the books of account.

So, Mr. President, I am not here disputing the cost of producing pig iron or steel rails or billets in this country, as shown by the report of Herbert Knox Smith, for before making the report the mills in the United States were visited, freedom was given to Mr. Smith or his representatives to examine the books of all the companies, and every possible facility was offered him to ascertain the actual cost of producing these articles in this country. I accept the statement in all the reports made by Herbert Knox Smith; but, on the other hand, the testimony of Herbert Knox Smith and of Mr. Charles M. Pepper, the only two men who have made a statement relative to the cost of goods abroad, says that it is impossible to get accurate information of the cost of making goods in a foreign country. The German manufacturer or the English manufacturer is not going to let a man from this country go into his establishment and examine his books to find out what it costs to make an article when he knows the information is sought for the purpose of levying a duty upon the article sufficient to protect the American manufacturer as between the cost in this country and the cost abroad.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Yes; I yield.

Mr. CUMMINS. Assuming that it is impossible, what does the Senator from Utah intend to do about it? Does he intend never to make any revision of this schedule? Does he intend to permit the duties that are now in it to remain indefinitely? We must be able to do something somehow; we must rely on some testimony procured somewhere at some time. What is the program of the Senator from Utah in view of the fact that it is impossible to secure access to the books of foreign manufacturers?

Mr. SMOOT. Mr. President, I think before we undertake to revise the steel schedule we ought at least to be in possession of the same kind of information that we are in possession of in

relation to the wool and cotton schedules; or in other words, I think that there ought to be a Tariff Board report. The only information we have is the report made by Mr. Smith and Mr. Pepper. Mr. Pepper was not sent to Europe to study the cost of producing steel abroad; he was a special agent representing the Department of Commerce and Labor sent to report upon trade conditions. That is the only authority he had, as I am informed. I will say, without fear of contradiction, that Mr. Pepper has never claimed that he knew what it cost to produce pig iron, billets, or steel rails in a foreign country.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I do.

Mr. CUMMINS. I am not in the confidence of Mr. Pepper nearly so much as is the Senator from Utah. I only know what Mr. Pepper's mission abroad was by referring to his report. I assume that he reported upon the subject he was commissioned to examine and investigate. He did report upon the cost of making these things abroad.

Mr. SMOOT. He reported upon what the trade said the cost was.

Mr. CUMMINS. Yes; and almost every man who goes to Europe reports upon what somebody else says is the cost. It is the only avenue of information he has.

The Senator from Utah speaks of the Tariff Board report upon wool. I said the other day that I held that report in high regard, but I may be permitted to put my judgment against that of the Senator from Utah at least; and I say that the report of Mr. Pepper, in regard to foreign cost of pig iron and subsequent forms of iron and steel, is a great deal more satisfactory to me than the report of the Tariff Board respecting the foreign cost of wool. The Tariff Board says, with regard to Australian wool, for instance, after pointing out some instances in which wool is produced there for less than nothing, that probably the cost in Australia, taking it as a whole, is a few cents a pound, and the Senator from Utah and myself will presently be called upon to apply our doctrine of protection upon that statement with regard to the cost of producing wool in Australia, that it costs a few cents. I think that is all the information the Tariff Board could acquire; I do not believe it could have discovered more if it had spent years in Australia. It says, in regard to the wool industry in South America that the cost is from 4 to 5 cents—somewhere along there. I do not conceal from myself the meagerness of our information with regard to these costs; but we have all the evidence we will ever get, and we can supplement it by very satisfactory proof with regard to the conditions of trade and prices at which iron and steel sell abroad. That is, I think, one of the most satisfactory supplements that we can bring to our aid in determining the parity or disparity which exists between the foreign manufacturer and our own.

I hope the Senator from Utah, because we have not that same nicety of information with regard to the books of our rivals in other countries that we have in regard to our own, will not take the position that these duties having been imposed by somebody at some time without any such information, we must allow them to remain for all time.

Mr. SMOOT. No, Mr. President; the Senator will find that I am perfectly willing that there should be a change wherever it is shown or can be shown that there are rates that are oppressive or excessive; but I do believe that the testimony and all the information that we have before us show that the rates that are imposed now—50 per cent in many instances—under the act of 1909 are not really excessive.

Mr. CUMMINS. Mr. President, that is a perfectly logical position to take, but I hope that the Senator will not take the position that he outlined before. I believe if the burden of proof as to foreign cost is on anybody, it is rather upon the manufacturer than upon the users of iron and steel; and if we get all the information we can and find it difficult to reach an accurate conclusion, then those who are benefited by the duty ought to supply whatever there remains of knowledge upon that subject.

Mr. SMOOT. We must not forget, Mr. President, that the manufacturers of this country have freely and voluntarily opened their books for examination as to the cost of their products. They are perfectly willing at any time for the Government to know exactly what it costs to produce goods in this country. Now, let us see from the reports what it does cost to manufacture pig iron in Germany and in England, and let us take the report of Mr. Pepper and see if the present rate is not justified by that report. I will take the amount of wages required in producing steel rails and bar iron from the iron ore to the finished product, then apply the principle that it costs

double in this country, so far as wages are concerned, what it does in a foreign country and then see what the present rates are as compared with that difference.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I yield to the Senator.

Mr. SIMMONS. Mr. President, I would like to inquire of the Senator whether there is anything in Mr. Pepper's report which shows that the iron and steel manufacturers of Germany and Great Britain refused to give him such information as he desired in the investigation which he was sent by the department there to make? I do not know how that is, but my impression is that the report made by Mr. Pepper upon foreign cost was very full; that it was a detailed report, and my impression is that he had no difficulty in getting reasonable information. I do not know whether or not they opened their books, as some of our manufacturers have done, and put them at his command. I do not remember as to that, and I wish to ask the Senator if there is anything that shows that Mr. Pepper was denied reasonable information as a basis for making his calculations?

Mr. SMOOT. There is no statement in the report that he was denied this information by the foreign manufacturers, but it is stated that the information obtained came from disinterested trade authorities; or, in other words, Mr. Pepper has taken the statements of trade papers.

Mr. SIMMONS. Would not the Senator consider disinterested trade authorities as tolerably reliable sources of information?

Mr. SMOOT. I do not think they know any more about the cost of manufacturing steel and iron in Germany or in England than do the trade papers of this country know about the cost of manufacturing steel and iron in any American mill.

Mr. SIMMONS. I have understood, Mr. President, that in England there is a fuller and probably a franker disclosure of manufacturing conditions, which is accessible to the trade associations there, than we have in the United States.

Mr. SMOOT. It is not accessible to the general public. It may be to the syndicate that controls these particular products.

Mr. SIMMONS. If the Senator will allow me to ask him another question, I understood him to say that probably Mr. Pepper did not have access to the sources of information sufficiently to enable him to make an accurate and reliable report, because the manufacturers would not furnish it to him. Does the Senator think that the Tariff Board would be any more likely to get that information than a special agent sent over there for the purpose of making an investigation? Of course, Mr. President, if the Senator will permit me one minute further, neither one of them would have any authority or any right to demand anything of the English manufacturers. It would be a matter of grace in both instances. Now, can the Senator give us any reason for believing that the manufacturers of Europe would be any more likely to open their books and to make full disclosures to a board investigating for the purpose of regulating the tariff than they would to a special agent investigating for the purpose of ascertaining general information?

Mr. SMOOT. Answering the Senator, I will state that if the Tariff Board was making the investigation it would send to Europe men who are familiar with the business from beginning to end and would know whether the report was fair upon its face or not. Mr. Pepper knows nothing of the details of a rail mill. He was correspondent for certain newspapers in this country; and while I do not say a thing against him as a man or question his honesty, I do say this, there is not a man living who is not familiar with the details of a business who could go and make an intelligent and accurate report upon it, as well as a man who has been trained all his life in the business and knows every process and every step necessary to be taken from the production of the iron ore on to the finished product. Therefore I say that the Tariff Board if they were given the power and the time would select a man of that kind, and he could make a more accurate report than a man who knows nothing of the business.

Mr. CUMMINS. Mr. President, I should like to interrupt the Senator from Utah just once more.

Mr. SMOOT. I have no objections.

Mr. CUMMINS. I know the Senator ought to be permitted to go along with his speech, but I think it is due to Mr. Pepper that we should see precisely what he says with regard to the origin of his information. I will read from page 10 of his report:

In 1908 the conditions as to cost of production approximated closely those which obtained in 1903-4, the general opinion of the trade being that they were a little higher, about in proportion to the

difference in the selling price, which in the case of Cleveland pig averaged \$14.40 for 1908, as against \$12.94 in 1904. The figures of Mr. J. Stephen Jeans, secretary of the British Iron Trade Association, may be taken as trustworthy. According to Mr. Jeans, the cost per ton of making pig iron in the two chief British districts approximates as follows:

Mr. SMOOT. The source of information is as I stated.

Mr. CUMMINS. Precisely. That is the only place to which any American can ever go to ascertain what it costs to make these articles abroad.

Mr. SMOOT. Then there is no need of going to Europe. I can sit in my office and get the very identical report that Mr. Pepper speaks of. There is no need of going abroad for that kind of information.

Mr. CUMMINS. The report of the Tariff Board on wool convinces me that there is absolutely no necessity of sending a man abroad to secure the foreign cost.

Mr. SMOOT. If that is the case, then we can never find out what is the foreign cost, and I believe we can approximate the cost as near as the reports we have. The Senator read from Mr. Pepper's report on the British iron industry, and I quoted from his report on Germany's iron and steel industry.

Mr. McCUMBER. Have we not some basis at least from which to arrive at an estimate of the cost of production when we know the wholesale cost at the point of export? We can always assume at least that the product is not sold for less than its cost to produce it, and we can make a fair estimate of what would be a reasonable return upon the investment. If we find that steel rails at the point of export in Germany range wholesale about \$25.50 per ton, and we find that in this country we produce them for from \$22 to \$23 per ton, and we assume that 10 per cent would not be an excessive profit for the German manufacturer to make, then taking off 10 per cent from \$25.50 per ton you would get a fair estimate of the cost of production in a foreign country; and if that is true then the cost of production in a foreign country, compared with the cost of production in this country is very much below ours, then it would be impossible to give away much of the amount called for in either of these substitutes.

Mr. CUMMINS. That is a most amazing process of ascertaining the cost. We meet Germany in the neutral ports for the sale of steel rails, and we sell them in those ports and markets at exactly the same price as Germany sells them, and a little less, and yet the Senator from North Dakota would take the export price of steel rails at these same markets and take our domestic prices of steel rails in order to reach a comparison. I would a great deal rather trust the process of the Senator from Utah in ascertaining both the foreign cost and the domestic cost than that suggested by the Senator from North Dakota.

Mr. McCUMBER. The Senator has to admit, I think, that as a rule the German manufacturer year in and year out is not selling his goods at less than cost for export, where the exports constitute by far the larger quantity of what he manufactures. It is an entirely different proposition. As a matter of fact, in order to keep the mills running in this country, it may be that 5 per cent of the output is sold abroad and that 5 per cent may be sold at what it costs to produce it, in order to dispose of the surplus and keep the workmen employed during all the time.

That is not true in the case of Germany. They sell a great deal more abroad than they do for home consumption. Therefore their wholesale price for export will ordinarily include a fair and reasonable profit upon the cost of production, differing entirely with the conditions in this country, and I have not taken this as a single case.

Mr. CUMMINS. The Senator from North Dakota I think still fails to comprehend the situation. The United States Steel Corporation exports 20 per cent of its entire product, and it makes a product for export precisely as it makes it for domestic use. It is a legitimate and a continuing part of its business. It does not sell abroad at less than cost. It sells at practically the same price as at home, if it can get that price. But to say the United States Steel Corporation sells 20 per cent of its entire product abroad and sells it as a mere incident, in order to keep its factories open and running, I think is to ignore the evidence all about us. The United States Steel Corporation has almost doubled its capacity for certain kinds of production, notably steel rails, in order to supply its markets abroad.

Mr. McCUMBER. I thought the Senator would have to fall back upon the United States Steel Corporation in order to get the basis for the lowest possible price. In speaking of the 5 per cent of exports of the United States, I was speaking of the entire product of the United States, and I think I am borne out in the proposition that taking the entire product, not more than 5 per cent is exported.

I agree with the Senator that the United States Steel Corporation can produce steel rails and pig iron and everything in

the matter of steel manufacture for less than any other institution in the United States, and I may agree that it is possible that they need no protection whatever; but assuming they produce 40 or 45 per cent of the entire American product, we can not base our tariff duties upon the one institution that can produce the very cheapest, when by so doing we would cripple every other establishment and give to that corporation a monopoly of the trade in the United States.

Mr. SMOOT. I think from a business standpoint that the United States Steel Corporation would be justified in selling 20 per cent of its product of steel rails abroad, even if they obtained only cost, for this reason—

Mr. CUMMINS. Would Germany also be justified—

Mr. SMOOT. For the reason that the United States Steel Corporation have mills that do nothing else than turn out steel rails. They start with the ore, and the process is continuous until it comes out in a finished rail. In order to do that they have to keep the mills running all the time, and in keeping the mills running all the time the cost of their product is reduced, and if they get only cost out of the 20 per cent exported, they have reduced the cost of producing the other 80 per cent.

Mr. CUMMINS. May I ask the Senator from Utah another question? It happens that although the capacity of the United States Steel Corporation and its business have grown tremendously since it was organized in 1901, it is true that the capacity and the business of the so-called rival companies or the so-called independent companies has increased more than that of the United States Steel Corporation.

Mr. SMOOT. That applies not so much to steel rails and structural steel as it does to the other products in the steel industry—wires, nettings of all kinds, the higher finished products of all kinds; in fact, the independents have almost been compelled to go into this class of manufacture—

Mr. CUMMINS. I think the Senator from Utah has chosen an unfortunate illustration. The one thing upon which the United States Steel Corporation has pretty nearly a monopoly is wire.

Mr. SMOOT. That is, the plain wire. I am speaking of wire netting and all of the products made from wire.

I fully agree with the Senator from North Dakota that it is impossible for the independents to manufacture rails with the capacity they have as cheaply as it is done by the United States Steel Corporation. No one doubts that. The testimony shows that in some cases the independents have been compelled, in order to keep their plants going, to sell goods abroad and to sell them at less than cost. I do not believe the Senator from Iowa objects to that; but that under certain conditions would say that a manufacturer is justified in doing so, although I have not heard him express himself on the floor of the Senate on that subject.

Mr. CUMMINS. I do object, however, to the fact that they do sell abroad being used as evidence that they are selling that part of the commodity or that part of the article at cost or below, for they are not doing anything of the sort.

Mr. SMOOT. The Senator never heard me say that that was the basis on which I was going to figure.

Mr. SIMMONS. Does the Senator from Utah mean to say that the United States Steel Corporation is selling steel rails abroad at less than cost?

Mr. SMOOT. Sometimes they do; other times they do not.

Mr. SIMMONS. Does the Senator mean to say that that is a practice of theirs?

Mr. SMOOT. The practice of the United States Steel Corporation is to sell all the steel rails its mills produce, and in order to keep the mills running all the time, so as to make the goods as cheaply as it is possible to make them, and if the market in this country or in foreign countries is such that it has to sell rails below cost, it does so at times.

Mr. SIMMONS. My recollection is that Mr. Gary, chairman of the steel company until recently—I believe he is now; he has been chairman of it, I know—in the hearings before the House committee—

Mr. SMOOT. That was in 1909.

Mr. SIMMONS. That is not too long ago; that is only recently. He testified that they were getting about the same price abroad as they get at home, or a little bit higher.

I call the attention of the Senate to the fact, in connection with the argument just made by the Senator from North Dakota, that only a small per cent of the product of these factories is sold abroad compared with the percentage of the total product; that that statement is not correct as applied to steel rails is shown by the fact that our exports of steel rails are very nearly as great as those of Germany or England.

Mr. SMOOT. I am fully aware of that. I know what are the exportations of this country and what are those of Germany.

Mr. SIMMONS. The argument of the Senator could not apply to steel rails, whatever force it might have with some other product.

Mr. SMOOT. I am not arguing along that line to arrive at the cost of steel rails—

Mr. SIMMONS. But you were discussing the subject of the exportation of steel rails.

Mr. SMOOT. That is right.

Mr. SIMMONS. What I am saying is that we exported in 1910 ten million and a half dollars' worth as against England's \$13,000,000 and as against France's \$12,000,000.

Mr. SMOOT. The Senator does not know the facts if he makes such a statement as that. The production in this country is many times greater than that of England or Germany.

Mr. SIMMONS. That may be true.

Mr. SMOOT. The \$13,000,000 of steel rails exported by England is 70 per cent of all she manufactures, and I have no doubt that the \$12,000,000 worth that Germany exports is over 50 per cent of all she manufactures.

Mr. SIMMONS. The United States to-day is the third exporter in quantity of steel rails in the world.

Mr. SMOOT. Nobody doubts that, but what she does export, even if she is the third country in point of exports, is only a small percentage of what she produces and uses for home consumption.

The Senator from North Dakota was right. The great exporter is the United States Steel Corporation, and it exports not to exceed 20 per cent of its production, and there are only a few independents who export at all. So, the exports, taking the industry as a whole, not confining it to the steel corporation, but including all the independents as well as the steel corporation, amounts to only 5 per cent of the amount produced in this country.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Certainly.

Mr. REED. It is just for information. I understand the Senator to say it is a fact that large quantities of steel are sold in Europe at a less price than it is sold here, and, of course, I am referring to the steel made in this country. Do I correctly understand the Senator?

Mr. SMOOT. No, I never made the statement in that way.

Mr. REED. I certainly, Mr. President, understood the Senator to say—

Mr. SMOOT. I will say this—that large quantities of steel rails are exported by Germany and England at a less price than they are sold in their local markets.

Mr. REED. I am discussing the other question, and I want to know if I was right when I understood the Senator to say that steel rails were shipped from this country and sold in Europe for less than it cost to produce it in this country, plus freight, and to justify that by the argument that the mills had to be kept constantly going. Am I correct in that?

Mr. SMOOT. Technically I suppose not, but to other countries, yes. In other words, in the making—

Mr. McCUMBER. Will the Senator permit me? I do not think the Senator from Utah understands the Senator from Missouri. The Senator from Missouri speaks of exporting rails from the United States to Europe.

Mr. REED. Yes; I think the Senator understands the question.

Mr. McCUMBER. How many rails are exported to Europe?

Mr. REED. There is a very small percentage going to Europe.

Mr. SMOOT. Rails are shipped to Central America, South America, and Mexico. That is why I said "technically." I understood the Senator to mean from the United States.

Mr. McCUMBER. That is a different proposition.

Mr. REED. I hardly think the Senator from Utah in defense of the Payne-Aldrich bill needs a prompter or a suggester of any kind; but if it is necessary, I will modify my statement so as to include South America.

Mr. McCUMBER. Exclude the others.

Mr. REED. I understand the Senator to say it is a fact that large quantities of steel are exported from the United States to other countries and sold at less than the cost in this country. Is that correct?

Mr. SMOOT. It is not a large quantity in comparison with the amount manufactured in this country, but I will say yes; there are considerable quantities of steel rails manufactured in

this country and exported to other countries and in some cases sold for less than cost.

Mr. REED. You say it is not a large quantity in comparison, but still a considerable quantity of it.

Mr. SMOOT. Yes.

Mr. REED. Can the Senator give us an idea of the amount—I am asking for information, and he has studied the bill—that is actually sold abroad at less than cost of production in this country.

Mr. SMOOT. That I could not say, nor I do not think anybody else could give the aggregate amount.

Mr. REED. Can the Senator give us an approximation?

Mr. CUMMINS. May I act as prompter for a moment?

Mr. SMOOT. Willingly.

Mr. REED. I will accept.

Mr. CUMMINS. While it might seem to make for the position I take in regard to this schedule, the truth is that very little of our steel product is sold abroad more cheaply than it is sold at home. Our people are able to compete with the whole world, without reducing their prices in other markets, and the instances in which they sell abroad more cheaply than at home are rare. We supply Russia, both in Europe and in Asia; we supply Asia and South America with these heavy steel products at prices that yield our producers a very satisfactory profit. I do not think that they do sell any very large amount of their product away from home at substantially less than they sell their products at home.

Mr. REED. I know that is the view of the Senator from Iowa.

Mr. SMOOT. But it is not—

Mr. REED. But I was trying to learn the views of the Senator from Utah, because I regard the Senator from Utah as the real spokesman on the Republican side of the Chamber upon this and other important matters.

Mr. SMOOT. I do not claim that distinction.

Mr. REED. No; but we grant it gladly. Does he now stand in the Senate and admit it is true that American manufacturers of steel do sell a considerable portion of their product abroad for less than it costs to produce it?

Mr. SMOOT. If the Senator will take out "considerable" I will agree to the statement just made, and I have already stated to the Senate why it was done.

Mr. REED. Will the Senator accept the word "substantial" in lieu of the word "considerable"?

Mr. SMOOT. No; I will not accept it, because it is only a small amount of the total produced in this country.

Mr. REED. Did I not understand the Senator to say that they sold it abroad to keep their mills going?

Mr. SMOOT. They do.

Mr. REED. And if they do, then is it not a substantial amount?

Mr. SMOOT. It may be a ton, a thousand tons, or a million tons.

Mr. REED. The Senator does not mean to say that one ton of steel—

Mr. SMOOT. No; I do not. I mentioned one in a comparative way and now withdraw it.

Mr. REED. Would keep the mills running, and if they do not sell that the mills would close. Neither would he say that 1,000 tons would do it or 10,000 tons would do it or 100,000 tons, speaking seriously, and the Senator always seeks to be accurate in his statements.

Mr. SMOOT. I said offhand a "ton," but I will say to the Senator a million tons.

Mr. REED. Then we have gotten to the point where, the manufacturers will sell 10 per cent of their exports below the cost of production.

Mr. SMOOT. I understand they do sell a part of it below the cost of production. We will let the record speak for itself as to the amount.

Mr. REED. If they sell abroad below the cost of production, somebody has to make up that loss.

Mr. SMOOT. Oh, no; Mr. President—

Mr. REED. And is not that necessarily the man who buys the part of the product that is not sent abroad? And does not that result in taxing the American consumer, charging him a higher price than he ought to pay, in order that goods may be sold abroad for less than their cost?

Mr. SMOOT. The Senator certainly has not been in the Chamber or has not listened to what I had to say, or he would not expect me to go over that ground again.

Mr. REED. I am asking the Senator—

Mr. SMOOT. Let me tell the Senator one thing.

Mr. REED. I am asking the Senator to give me a concrete answer.

Mr. SMOOT. I will.

Mr. REED. Does not that result in higher prices being paid by the American consumers, who have been taxed for 50 years to protect these concerns?

Mr. SMOOT. No; it does not; and if the Senator will give me his attention for a moment I will tell him why.

Mr. REED. I will be glad to.

Mr. SMOOT. If he will he will not ask the question again.

Mr. REED. If the Senator can evolve a theory that fits those facts, and does not take the money out of some one's pockets, and if it is not our pockets, in the last analysis, I shall regard him as having performed the greatest intellectual feat of this century.

Mr. SMOOT. Mr. President, I will try and satisfy the Senator. As I have said to the Senate before, the only way to produce steel rails or the products of steel of all kinds is to keep the mill running full time. It costs just as much for labor at the blast furnaces, the overhead charges, yearly salaries, interest, and the taxes upon the property to produce 500 tons per day as it would 2,000 tons per day. Now, can not the Senator see that if the company did not have a market to take the 2,000 tons, daily production, and only had a market to take 1,500 tons, that it would cost more per ton to produce the 1,500 tons than it would the 2,000 tons, and therefore the American consumer is not compelled to pay a higher price for what he buys on account of selling goods abroad at cost, but on the contrary ought to buy them for less; and not only ought he to but he does, and every laboring man employed in the mill receives the advantage of continuous employment.

Mr. REED. Would the Senator kindly figure out how much money a mill makes by selling out of a total production of 10,000,000 tons 2,000,000 tons at a loss of \$2 a ton.

Mr. SMOOT. In making that 2,000,000 tons, if sold at a loss, there no doubt would be 40,000,000 tons more made, and the amount that would be made on the 40,000,000 tons, by running the mill to its fullest capacity, would not only make up what was lost on the 2,000,000 tons, but many, many times over; and I should think the Senator could see that.

Mr. REED. Would the Senator pardon one more question? Does the Senator think there would be anything morally wrong in their cutting that price on steel to the American consumer and letting him have the benefit of it instead of giving it to the foreigner?

Mr. SMOOT. I do not know but that they do sell it for less to the consumer in this country. In fact, competition has been so keen, according to the testimony, that they have been compelled to.

Mr. REED. They have lost considerable money? I think I had better call on the Senator from Iowa to now prompt the Senator from Utah.

Mr. SMOOT. The Senator needs to call on some one.

Mr. GALLINGER rose.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. Certainly.

Mr. GALLINGER. I have not been able to hear the entire argument of the Senator from Utah. I will ask the Senator if he concedes that 2,000,000 tons of steel were sold abroad at less than cost?

Mr. SMOOT. No. That is the example the Senator brought up. It was a hypothetical question.

Mr. GALLINGER. If the Senator will turn to the report of the Industrial Commission, published some years ago, I think in volume 17, he will find that that commission, after a very exhaustive research, came to the conclusion that between 1 and 2 per cent of our products were sold abroad at less than in this country.

Mr. SMOOT. That is approximately what I stated, though I did not give the exact figures.

Mr. GALLINGER. If the Senator will refer to a document which I had printed some two or three years ago, I think, having called on the Secretary of State to ascertain, through the United States consular officers, what the practice was on the part of the countries with respect to selling abroad at a less rate than the domestic price, he will find that the reports show that there is scarcely a country in the world that does not make an export price less than the domestic price for their surplus products.

Mr. REED. The Senator is speaking more in answer to my inquiry than perhaps in regard to the remarks of the Senator from Utah. I take it that the real burden of his remarks are to this effect, that as other countries sell their surplus abroad for less than they sell it at home, that justifies this country in going abroad to meet that competition.

Mr. GALLINGER. If there is not a demand on the part of our citizens for that surplus, I think they should do that.

Mr. REED. Then the situation comes to this: European countries—let us say England and Germany for illustration—can ship to South American countries, sell for less than it costs to produce, and this country can sell in Europe for less than what it costs, and the citizens of Europe and South America get the benefit of the extremely low prices, but when you undertake to bring in the steel from England—a part of its surplus—and to sell it here your tariff wall is at a point where no man can bring it in and sell it so that our people can get the benefit.

Mr. GALLINGER. We meet the same condition exactly in England. We run against a tariff wall in Germany higher than ours.

Mr. REED. Every nation in the world gets the benefit of this process, and we bar ourselves from the effects of competition and low prices, and a tariff is put on to protect those gentlemen from the very competition they meet elsewhere.

Mr. GALLINGER. I do not agree to that at all. It is a mere moiety that is sold abroad, and the question whether any of it is sold at less than cost—

Mr. REED. The Senator was not here when the Senator from Utah conceded that it was done in order to keep their mills running and that it amounted to a large sum.

Mr. SMOOT. I should like to again inform the Senator from Missouri that not only does Germany have a protective tariff wall, but in order to secure the trade of the world she pays a bounty upon the export of steel products.

Mr. REED. Yes.

Mr. SMOOT. In England the same thing is true.

Mr. BACON. I do not like to interrupt the Senator, because he has been interrupted so much, but right on the line, I should like to ask him a question or two.

Mr. SMOOT. I have no objection.

Mr. BACON. Do I understand the Senator to take the position that the sale of steel rails, coming down to that specific article in foreign countries at less price than they are sold at in the United States, is an exceptional affair, or on the other hand is it true that there are regular quotations at the mills of one price for the domestic consumer and another for the export trade?

Mr. SMOOT. There is no question but that prices in Germany—

Mr. BACON. I am not talking about Germany. I am talking about the United States.

Mr. SMOOT. I think where American manufacturers are compelled to export, in many cases they are compelled to quote lower prices for exportation than for the market in this country.

Mr. BACON. The Senator misapprehends my question.

Mr. SMOOT. Possibly.

Mr. BACON. I understood from the colloquy which the Senator had with the Senator from Missouri and others that the proposition is this: That the occasions upon which steel rails are sold at a less price abroad than they are sold at home are exceptional, and that it is necessary to do so in order to keep the mills running, but it does not relate to the regular prices of rails sold by producers in the United States to foreign consumers. I do not know whether I make myself clear. I understand the Senator to mean this: That the occasions upon which the producers of steel rails in this country sold their steel rails at a less price to foreign consumers than they sold to American consumers were exceptional; in other words, it was not the rule, but that it was done only upon occasions to keep the mills running.

Now, the question I ask the Senator, if he made that statement which I understood to be his statement, is it not true that there are two regular quotations at the mills in this country, one price for the domestic consumer and a much lower price for materials that are to be sold for export.

Mr. SMOOT. Mr. President, of course if the demand for steel rails in this country was such that it would take the full product of all the mills, there would be no steel rails exported, and the price would be the same.

In answer to the other question which the Senator asked, as to whether—

Mr. BACON. I do not think that is any answer to either question that I asked.

Mr. SMOOT. In connection with it, then, I will say I have never heard it testified to, nor do I believe it to be a fact, that the regular quotations of the manufacturers of this country are one price for this country and another price for a foreign country, but such quotations are made only in exceptional cases, as stated by the Senator.

Mr. BACON. Now, I want to ask the Senator this question. Does the Senator know that there has been any change in the rule in that regard in the last eight years. In other words, has there been any change in the policy in that matter?

Mr. SMOOT. There were three or four of the independent manufacturers, and by the way none but independent manufacturers appeared before the committee, who testified that there was no such thing as two prices, one for this country and one for foreign trade, but no one who testified as to when the change was made or whether there had been such a practice in the past.

Mr. BACON. Now, will the Senator permit me not simply to put in the RECORD, but to have read to the Senate two letters, one from the president of a railroad company and the other from the general manager of another railroad company, in which the explicit statement is made and the narration given of the circumstances in their own experience upon which that statement is based. Will the Senator permit me to have that read?

Mr. SMOOT. I would rather have the Senator read them in the RECORD in his own time and his own speech.

Mr. BACON. I do not now offer to do it, because I would not impose them on the Senator. That I will do hereafter in order that he may not be unduly interrupted. I will state to the Senator that I have those two letters, one from the president of a railroad company, in which he narrates that he was a president of a railroad which lay partly in the United States and partly in Mexico, and how it was that the regular quotations to him were such that it cost him \$5 a ton more for rails bought to be laid in the United States than it did for rails bought the same day to be laid in continuation of the line in Mexico; and in the other the general manager of the other company gives his experience, in which he attempted to buy rails for his road where a certain price was quoted to him, and where he attempted to get a lower price without stating where he was to ship them, or rather without stating that he was to use them in the United States, and where he had been compelled to pay \$5 more for rails to be laid in the United States than he would have had to pay from the same mill if he was going to ship them in South America. I will put those letters in later.

Mr. CUMMINS. I am interested very much in that statement. May I ask the Senator from Georgia about the date of the letters?

Mr. BACON. Yes, sir.

Mr. CUMMINS. Are they recent?

Mr. BACON. That is the reason why I asked the question. The letters were written eight years ago.

Mr. CUMMINS. How long ago?

Mr. BACON. In 1904. At that time we were selling rails in Mexico for \$10 a ton less than we were selling them at home regularly.

Mr. CUMMINS. I do not know; that may have been one of the exceptional cases the Senator from Utah speaks of; but the letter I have from the Boston railroad, of which I have spoken, figured out in the different prices quoted that the difference was about \$5 a ton as a regular thing.

Mr. SMOOT. Mr. President, I know nothing of this particular case. I know that in England and in Germany, when rails are being exported, in many cases the purchaser is required to execute a contract assuring the syndicate that the goods exported will not be shipped back into England or Germany, or the country from which they were shipped.

I can not say as to what the manufacturers of this country eight years ago were compelled to do to secure the Mexican business, or what may have been the system at that time, but I know that the testimony shows that to-day there is no such system being practiced.

Mr. CUMMINS. Mr. President, I think the whole situation has changed in the last 8 or 10 years with regard to our prices abroad. The truth is that at this time, if the order is a large one at all, the agent of the manufacturer has visited the country in which the rails were to be used and has entered into a contract for the manufacture and delivery of the rails. Of course, he gets all he can get—sometimes the full price in America; sometimes being compelled to sell below the price here. The rails are not a part of an undesigned surplus. The rails are manufactured after the order is given. That is true of nearly all large orders of steel rails.

This notion of sending abroad a surplus that has accumulated because business happens to be depressed at home is purely fanciful. All these articles are manufactured after the order has been given, and if the order had not been given they would never have been manufactured.

Now, if the Senator will pardon me one single remark more—

Mr. SMOOT. I should like to answer that, and then I will yield to the Senator. The Senator may think the notion is fanciful, and that those are the regular orders of the trade, but he must admit if the \$10,000,000 or \$12,000,000 were not exported, the mills could not run in this country to their full capacity.

Mr. CUMMINS. I do more than that. I admit if we had not a large exportation the mills would not have been built. The mills were built for the purpose of furnishing the countries across the sea with a certain amount of our product.

The only quarrel I have with the Senator from Utah is that he seems to see this sort of situation, that we have a certain capacity for manufacturing, for supplying the needs of our own country; a period of depression comes, a surplus accumulates, and because it is cheaper to operate the plant at or about its full capacity, therefore we ought to be permitted to sell that surplus abroad that is not taken by reason of the depression at home for any price that we can get for it.

That is true. That is a perfectly sound proposition. But when the manufacturer looks over his own country and the world, too, and comes to the conclusion that he can supply a certain output or supply a certain demand and constructs his factory with reference to that demand, foreign as well as domestic, then it becomes, as it seems to me, exceedingly illogical to claim that it is either good business or good morals for him to run his factory for the foreign trade in order to produce cheaper for the domestic trade. That is the only difference I have with the Senator from Utah.

Mr. SMOOT. I do not know where the Senator gets his information. I know that the men before the committee did not make any such statement, that they were building and increasing their plant for the purpose of securing the foreign trade.

Mr. CUMMINS. You made no inquiry of them. Everybody knows they had increased their capacity. The United States Steel Corporation has invested \$500,000,000 since it was organized in increasing its capacity and has made it out of the earnings of the company. Jones and Laughlin have increased their capacity—

Mr. OLIVER. Jones and Laughlin testified before the Finance Committee that they did not export.

Mr. CUMMINS. Very well, they do not need to export; but they have increased their capacity and they have increased their output, and that is true of every steel company of considerable proportions in the United States. They have all increased their capacity in the last eight or nine years.

Mr. SMOOT. I hope the American factories will continue increasing—

Mr. CUMMINS. So do I.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I do.

Mr. REED. In connection with the statement made by the Senator from Iowa, I noticed yesterday in reading the trade reports in a large number of papers, particularly those from Pittsburgh, the statement contained in all was to the effect that the demand for steel has increased so that the mills are now compelled to work to their utmost capacity.

Mr. SMOOT. I also have a report this morning showing the net earnings of all the corporations of our country, showing \$115,500,000 less in the earnings of the corporations for 1911 than they were the preceding year.

Mr. REED. I am speaking about orders now on the books.

Mr. SMOOT. It may be true of one particular company. One firm may have large orders now, but the general industry as a whole is not booming as the Senator would intimate.

Mr. REED. I want simply to be clear. I do not know whether the general industry is booming or not. I am not a spokesman for the steel industries of this country. I simply make the statement contained in several of the papers yesterday, and notably in the Pittsburgh papers, that the orders for steel rails were such now that they were going to be worked to their utmost capacity.

Mr. SMOOT. I hope that is true, Mr. President, because I want to see them working to their utmost capacity.

Mr. BACON. Mr. President—

Mr. SMOOT. I yield to the Senator from Georgia.

Mr. BACON. The remark I wish to make is that if it be true that the larger part of the steel rails exported are sold at the same price they are sold in the United States, it seems to me the conclusion is very irresistible that they can compete with the foreign producer in spite of the fact that they have to make these prices at home.

Mr. McCUMBER. Mr. President, will the Senator allow me to reply to the query of the Senator from Georgia?

Mr. SMOOT. I yield to the Senator from North Dakota.

Mr. McCUMBER. The Senator from Georgia must remember that a great proportion of our exports are into Canada. We are able to compete even with the British manufacturer with his differential in Canada on account of freight rates. We have the benefit, of course, of proximity, of immediate deliveries. We can sell for a very much lower price because, first, we can get immediate delivery in response to their orders, and secondly, we can utilize the Great Lakes to a greater extent than they can, and we can therefore supply the Canadian northwest as against Germany or Great Britain and still have the regular American price.

Mr. REED. Mr. President, if we can compete in Canada then why can we not compete in the United States?

Mr. McCUMBER. For the same reason that we can not take rails to San Francisco and compete with Germany, because water transportation is very much cheaper, and we have the advantage of the water transportation. The British merchant must unload in the eastern sections and send by rail, and the expenses are so great that we can beat him there.

Mr. REED. Then it comes to this; that we have to ship steel rails, say a thousand miles into Canada by railroad; you can there meet English competition, but you can not meet English competition at the door of your own factory, and you have got to be protected.

Mr. SIMMONS. Mr. President—

Mr. SMOOT. Mr. President, I very much prefer to go on if there is no objection on the part of the Senator.

Mr. SIMMONS. I rose to say just a word.

Mr. SMOOT. Very well; I yield.

Mr. SIMMONS. I understood the Senator from North Dakota [Mr. McCUMBER] to make the point that we are unable to compete with the Canadian markets, notwithstanding there is a differential in favor of England of 35 per cent, because of a freight-rate advantage. I think that is the statement of the Senator from North Dakota.

Mr. McCUMBER. Freight rates, proximity, and immediate delivery.

Mr. SIMMONS. Mr. President, we would seem to have no advantage in freight rates as against England and Germany in Mexico, and yet we are importing to Mexico several times more steel rails than England is importing to Mexico.

Mr. SMOOT. The Senator from North Dakota referred to the fact that quite an amount of our exportations of steel rails go into Canada. The question of freight is quite an advantage when shipping to Canada.

Mr. SIMMONS. Exactly.

Mr. SMOOT. It is somewhat similar as to South America.

Mr. SIMMONS. There we compete, notwithstanding there is no advantage in freight rates in our favor, and the tariff conditions are exactly the same. We sell more of the products, not only steel rails but the general products of iron and steel and the manufactures thereof in Mexico than England does or Germany does, and if we can go to one of the neutral markets where freight rates are alike, where tariff rates are alike, and there compete with them, as the Senator from Missouri [Mr. REED] says, why, in the name of Heaven, can we not compete with them in our own market?

Mr. SMOOT. There is no need of my going over that question again. It has been thrashed over three or four times during this discussion. I think Senators pretty well understand it. It is not a question altogether as to what rails cost; it is a question of getting a market. That is what manufacturers have done in the past and what they will continue to do, if necessary to keep their mills running.

Mr. Pepper's report shows that the cost in the Luxemburg district, Germany, is \$11.42 for pig iron and \$17.13 for steel. I again call attention to the fact that that cost price is in the Luxemburg district, Germany, and he says the average estimate was \$11.42 for pig iron.

Mr. Pepper, speaking of the general average price of pig iron, says it is agreed that pig iron in the Cleveland district has been made at a net cost of \$8 per ton by some of the companies controlling collieries as well as ore mines and have exceptional facilities for production.

I want Senators to keep in mind those figures, because if they will take the \$14.01 that Herbert Knox Smith says it costs to produce pig iron in this country, and the testimony of Mr. Schwab that it costs \$14, and deduct the \$11.42 from the Smith cost, it leaves \$2.59. The present rate on pig iron is \$2.50.

Mr. President, there has been a good deal said in relation to the intercompany profits in this country, Senators stating, or intimating at least, that that class of profits was not taken into consideration in arriving at the cost in England and Germany.

Let us see whether that is the case or not. Herbert Knox Smith at page 13 makes this statement:

The bureau deducted these intermediate "transfer" profits for all the important simpler products. The resulting "revised cost" must, however, be handled with great caution. The margin between this revised cost and the selling price is, of course, much larger than the margin over the "book cost."

We have the American book cost, for Herbert Knox Smith had authority to examine by himself or his representatives every concern in the United States. The companies books were opened to them and the report gave the absolute book cost, giving the detail cost of every item of every description that entered into the cost of production of pig iron.

The report continues—

that larger margin must cover all the stages of production, and therefore a much larger investment. The profit above the "book cost" of a subsidiary is to be applied simply to the investment of that company. On the other hand, the profit above the revised cost of an integrated company, carrying through many stages of production, must be set against that entire investment.

And again, it was contended that there had been a great reduction in freight rates amounting to 70 cents a ton since the report of Herbert Knox Smith, and that should be deducted from cost as reported by him. Let us see what Herbert Knox Smith says on this subject:

Another fact of great importance in considering the present costs of Lake ore, as well as the probable costs for the next few years, as distinguished from the comparison for the two periods covered by the foregoing table, is found in the recent change made in the rail rates on ore from the Mesabi and Vermillion Ranges. During the latter part of 1911 (and since the publication of the first part of this report) the Steel Corporation announced reductions in the rail rates for the Mesabi and Vermillion Ranges as follows: The Mesabi rate was reduced from \$0.80 per gross ton to \$0.60 per gross ton, and the several Vermillion rates of \$0.90 and \$1 per gross ton were reduced to a flat rate of \$0.60 per gross ton. Just what effect these reductions will have on the cost of ore at lower Lake ports depends, of course, on the particular tonnages shipped from each range. For the mines whose costs for the period 1907 to 1910 are comprised in the foregoing table (Table 19) the reduction in average freight rate would be about \$0.17 per ton, and this would result in a reduction in the average cost at lower Lake ports of an equal amount per ton. Taking the average book costs of the period 1907 to 1910 as a basis, the cost of ore at lower Lake ports would be reduced thereby from \$2.70 per ton to \$2.53, and this ore cost would be \$0.05 per ton lower than the average cost for the period 1902 to 1906, namely \$2.58 per ton.

That is what Herbert Knox Smith reports in relation to the reduction of rates.

Mr. BACON. Will the Senator permit me to make a correction of what I said a moment ago?

Mr. SMOOT. Yes.

Mr. BACON. I was stating from memory in regard to the letters when I said the difference was \$5 between the cost quoted for rails to be used in the United States and the cost quoted for rails to be used in other countries. I was mistaken. It is \$9 difference; not \$5. I have just looked over the letter. It is \$9 more at the same mills for parties who wish rails to be laid in the United States than they would be sold to the same parties if they were going to ship them to Honduras.

Mr. SMOOT. That would depend entirely upon the price required to secure the order at Honduras. To-day there could not be that wide difference between a foreign price and local price. The market price is generally known to-day.

Mr. BACON. What is the market price now?

Mr. SMOOT. The market price to-day is about \$28.

Mr. BACON. Very well. The market price then was \$29. That was the domestic price, and it was \$20 for the same article at the same mill on the same day to the same purchasers if they were going to ship to Honduras.

Mr. SMOOT. If that is the case the rails were sold below cost.

Let us take the figures now of the cost of steel rails shown by Herbert Knox Smith on page 30 of his report, viz, \$22.23, and accepted by the Senator from Iowa as being correct, and I am perfectly willing to accept the same. Then take the report of the cost on pig iron, as shown by Mr. Pepper, \$11.42. The difference between the cost of rails in this country and the cost of pig iron is \$8.22, the American conversion cost. Then take \$11.42, the Luxemburg cost of pig iron, and add a conversion cost of \$8.22. You get \$19.64 as the cost in Germany of the steel rails, providing the conversion cost is no greater in Germany than in this country. Deduct that from \$22.23—the American cost—and you have a difference of \$2.59.

Mr. President, I do not wish at this time to go into the question of cost further than this, but will refer to the cost of labor required to make pig iron and bar iron from the iron ore to the finished product.

Mr. CUMMINS. Mr. President, I shall interrupt as rarely as possible, but I do not want the Senator from Utah to understand or to say that I admit the total cost of steel rails is \$22.23.

Mr. SMOOT. Then, Mr. President, I am mistaken, because I thought the Senator accepted the figures of Herbert Knox Smith, and Herbert Knox Smith reports that—

Mr. CUMMINS. Herbert Knox Smith does not give that as the cost of steel rails.

Mr. SMOOT. Let us see if he does not.

Mr. CUMMINS. The mill cost is \$20.97.

Mr. SMOOT. That is outside of the intercompany cost.

Mr. CUMMINS. No, the mill cost, including the intercompany profits, is \$20.97 per ton. The way the Senator from Utah gets the \$22.23 is by adding \$1.26 a ton, which is put in a column called additional costs.

Mr. SMOOT. I ask the Senator to state what constitutes the additional cost.

Mr. CUMMINS. And those costs are not in the corresponding table of the English production.

Mr. SMOOT. How does the Senator know they are not?

Mr. CUMMINS. Because it says they are not.

Mr. SMOOT. The Pepper report does not say so.

Mr. CUMMINS. I think so.

Mr. SMOOT. Here is what the report says as to cost of pig iron and steel in the Luxemburg district: "\$11.42 for pig iron and \$17.13 for steel." There is not a word said that the additional costs spoken of by the Senator are not included in these costs.

Mr. CUMMINS. Of course, I do not want to interrupt the Senator from Utah by a running debate, but I assert it is easily proven, plainly observant, from the mere reading of Mr. Pepper's report that these additional costs of \$1.26 are not in his calculation as to the cost of steel rails.

Mr. SMOOT. The costs that Mr. Pepper gives are from certain trade journals. I want to say that if the additional costs to which the Senator refers were not made a part of the cost, the company not taking them into consideration would go into bankruptcy very soon. They are just as much a part of the costs as the purchase price of the iron ore.

Mr. CUMMINS. I agree to that, Mr. President, and therefore I add \$1.20 to the English cost table as given there.

Mr. SMOOT. The report gives the cost, and it does not contain a word as to whether there is any part of the reported cost not accounted for. If we are to arrive at the cost, every item of cost must be considered, whether it be labor, or materials, or expenses, such as interest, overhead charges, depreciation, and so forth. Those are all elements in the cost of producing a finished product.

Mr. CUMMINS. Well, Mr. President, suppose they are—although I have not said so and do not agree to it—then the cost in the United States is \$22.23 a ton, and the cost in England is \$23.35 a ton. Where does the Senator from Utah find in that any cause that we need to protect it by a duty of \$3.93 per ton?

Mr. SMOOT. I have said, Mr. President, that Mr. Pepper states that it cost \$11.42 for pig iron; add to that \$8.22, the American cost of conversion, and that makes \$19.64. The Senator, himself, from his own figures, will see that the conversion cost is not more than \$8.22.

Mr. CUMMINS. The Senator from Utah reminds me of the attempt of a famous orator from Maine to divide a verse of Scripture. I will not repeat that incident, but if the Senator from Utah will simply examine on page 10 he will find that the cost of pig iron in England, according to Mr. Pepper, is \$13.35, and the cost of the steel ingots is \$18.49, while the cost of steel rails is \$23.35.

Mr. SMOOT. I am not comparing, as the Senator from Iowa is doing, the low cost in this country with the high cost in England, nor am I going to take the low cost in the foreign country and compare it with the high cost in this country and say that that is the difference between producing goods in this country and abroad.

Mr. CUMMINS. I did not say that, but the Senator from Utah will certainly have to take the cost of the pig iron out of which steel rails can possibly be made. He is taking up, if I understand him right now, the cost of pig iron in England out of which steel rails never have been made, and, although I am not an expert, I believe never can be made.

Mr. SMOOT. Mr. President, I am not speaking of English steel rails; I am taking the cost in the Luxemburg district, as stated by Mr. Pepper in his report, viz, \$11.42; and the Senator knows that the Luxemburg district produces pig iron from which steel rails are made.

Mr. CUMMINS. I know that there is a pig iron made in the Luxemburg district out of which steel rails can be made, but the only place in which Mr. Pepper refers to the cost of steel rails is on page 10 of his report, and it is the cost in England to which he refers; and he gives that cost as \$23.35.

He is either right or wrong, and I should like to know from the Senator from Utah whether he believes that Mr. Pepper is right or wrong with regard to that statement.

Mr. SMOOT. The trouble with the Senator from Iowa is that he is quoting the highest prices given by Mr. Pepper in his report on the British iron and steel industry, and I now call his attention to Mr. Pepper's report on the German iron and steel industry—

Mr. CUMMINS. Very well.

Mr. SMOOT. And I am quoting figures given by Mr. Pepper in his report on the German iron and steel industry.

Mr. CUMMINS. I did not in my discussion refer to that report, but I am perfectly willing to do so. However, what I should like to ask the Senator from Utah is, whether he accepts with equal confidence Mr. Pepper's report with regard to the cost of steel rails in England?

Mr. SMOOT. I can not do that for the purpose of comparison because of the very fact that Mr. Pepper, as well as Herbert Knox Smith, states that it is impossible to get the actual book cost.

Mr. CUMMINS. I suppose, then, it is just as impossible to get it in Germany as it is in England?

Mr. SMOOT. It is just the same, and therefore, so far as the report is concerned—

Mr. CUMMINS. Therefore the Senator from Utah accepts Mr. Pepper when he testifies according to the Senator's liking, but repudiates him when he testifies in an opposite way.

Mr. SMOOT. No, Mr. President; I do not want the Senator to put me in that attitude, nor am I going to be placed there, either, without giving the reasons for the statements I have made as to the cost of production in Germany, as shown by the Pepper report. I do not claim the figures I have given are the actual book cost of pig iron or steel rails, but used the cost as reported by Mr. Pepper as a basis; but I do not believe that the reported cost in the Pepper report is absolutely correct nor does Mr. Pepper believe so himself. We all accept the cost price as reported for this country, because it is the actual book cost.

Mr. CUMMINS. Does he think it is too high or too low?

Mr. SMOOT. He has not said, and therefore we can not tell.

Mr. CUMMINS. It is quite as likely, then, as I assume, that the cost of the item is too low as that it is too high.

Mr. SMOOT. That is not very likely. The foreigner knew the information was being secured for the purpose of making an American tariff, and it would be unreasonable to suppose he would place his cost below the actual cost of production. I would hazard a guess that it would be as high as he thought it would be believed.

Mr. CUMMINS. Yes; he went there for the purpose of getting information upon which the committee in 1909 could act.

Mr. SMOOT. Yes.

Mr. CUMMINS. That committee was not noted for its desire to reduce the duties, as I remember.

Mr. SMOOT. Mr. President, we did reduce the duty on steel rails and many other of the steel products 50 per cent.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. REED. I merely want to ask the Senator from Utah a question for information.

Mr. SMOOT. The Senator from Missouri may ask me a question if he desires.

Mr. REED. I should like to ask the Senator from Utah, and, if he will permit me, to ask the Senator from Iowa, whether they are both now agreed that this report of Mr. Pepper's which both of them have quoted is utterly unreliable?

Mr. SMOOT. I did not say it was utterly unreliable. I said it was the best information that Mr. Pepper could secure from the sources at his command; but it is not the actual book cost, and no one can get that cost from the foreign manufacturer, in my opinion.

Mr. CUMMINS. I want to say to the Senator from Missouri that it is entirely unreliable both as to England and as to Germany, but I accept it as the very best evidence we have, and I know of no reason for discrediting it in any respect.

Mr. SMOOT. Nor was I trying to discredit it, but was using the figures for comparison, knowing they were the best we had at our command.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Mr. President, I should like to proceed if there is no special—

Mr. SIMMONS. Of course, if the Senator does not care to be interrupted, I will not interrupt him.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Yes; I yield to the Senator from North Carolina.

Mr. SIMMONS. I simply want to ask the Senator, as a matter of information in connection with the figures he gave awhile ago, if he had considered the table in the report of the Bureau of Corporations, on page 66, which is headed as follows:

Table 16. Average book cost per gross ton of heavy Bessemer rails, and cost excluding transfer profits for all companies, 1902-1906.

That shows the total book cost of heavy Bessemer steel rails at \$21.27. Excluding transfer profits, it shows the cost of heavy Bessemer rails at \$18.80.

Mr. SMOOT. But the report also gives the following information:

The following table gives the book costs of heavy Bessemer rails, and the same costs after the elimination of antecedent transfer profits.

You might just as well ask what is the cost of steel rails without any overhead charges; what is the cost of steel rails without any interest; what is the cost of steel rails without any charge for depreciation; or what is the cost of steel rails without taking any of the ordinary expenses into consideration or what the mere cost of running the metal through the blast furnace is as to eliminate transfer profits. That is not the kind of cost we are trying to arrive at.

Mr. SIMMONS. I will ask the Senator, in all of these tables where the transfer profits are eliminated, if that does not refer to the accumulated profits that have been added by the company and its subsidiary companies—for instance, profits on mining of the ore, on its transportation, on its conversion into pig iron and that into ingots, and so forth?

Mr. SMOOT. If a company spends \$10,000,000 building a railroad for the purpose of hauling its ore, that does not signify that it does not cost the company more than is actually paid out in wages to employees to haul it. It is no reason why the company investing the \$10,000,000 should have no return on the investment, and if it did the manufacturer of steel or the Senator from North Carolina would never invest money in that way.

Mr. SIMMONS. But, Mr. President, suppose we take the case of the steel corporation. They own the iron mines and the ore mines; they extract the ores at a certain cost, and they add a profit for that process. They own the railroads which take the steel rails from the upper Lake ports, and they add a profit for that. They own the steamboats that do the carrying from the upper ports to the lower Lake ports, and they add a profit for that transportation. Then they take the ore to the furnace and convert it into pig iron, and they add a profit for that. Then they convert the pig iron into steel rails, and they add another profit for that. The same organization owns all of the instrumentalities of production from the ore in the ground to the finished steel rail, but in getting at the ultimate cost this concern that is the owner of all these instrumentalities and has done the whole work from the beginning to the end adds a profit at every stage, as I understand. I am not making this calculation myself, but Mr. Herbert Knox Smith in making this calculation, taking into consideration the fact that the steel company made a profit at every point, at every stage of integration added a profit, eliminates those various profits in estimating the cost of the finished product. Is not that the process by which he has reached this result, I will ask the Senator?

Mr. SMOOT. Of course, if you do not consider the interest upon such an investment "cost," and if every expense attached to the manufacture of steel is not "cost," then the price named by the Senator perhaps could be construed as actual cost; but a corporation is not going to put millions and millions of dollars into a property without some assurance of profit. If the United States Steel Corporation is the purchaser of an iron mine, some claim that their iron ore does not cost them more than the actual labor in extracting it. This is a mistake, for every ton of ore that is extracted is lost to them, so far as the value of the mine is concerned. The ore can not be replaced. It is drawing upon the capital and not using dividends.

Mr. SIMMONS. Mr. President, there is no disagreement between the Senator and myself from his standpoint and from my standpoint. The proposition that I laid down is that Mr. Herbert Knox Smith, in trying to determine what was the cost to the United States Steel Corporation and to the larger steel corporations that own the ore, the factories, and the furnaces which take the ore and convert it into steel rails, did not allow for any profit in any of the intermediate stages of production. Of course, under that process when you come to determine what would be a reasonable profit to allow to the larger corporations which own all of these intermediate agencies of production, you would have to consider the capital invested in iron ore, in boats, in railroads, and blast furnaces, as well as in the plant

which finally converts it into steel rails. All I was calling the Senator's attention to was the fact that Mr. Herbert Knox Smith, following these processes in ascertaining the cost of producing steel rails, had reached the conclusion that the actual cost of producing steel rails, eliminating all profits, was \$18.80.

Mr. SMOOT. Mr. President, all the independent companies in this country do not own iron mines; they do not own railroads; they do not own boats to transfer the ore; and we are not making a tariff bill to protect the United States Steel Corporation alone. We are making a tariff bill—

Mr. NELSON. Mr. President, do I understand the Senator to say that the United States Steel Corporation does not own any railroads or any mines?

Mr. SMOOT. No. I said all the independent companies do not. The United States Steel Corporation does, of course.

Mr. NELSON. They own railroads, mines, and everything else, except the grace of God.

Mr. SMOOT. The Senator refers to the United States Steel Co. I was speaking of the independent companies. It has been stated time and time again that the United States Steel Corporation could make steel rails cheaper than can any other company in the United States, but on that account are we going to destroy, by tariff legislation, the independent manufacturers of this country? The representatives of the United States Steel Corporation did not come near our committee during the hearings and did not give a word of testimony. Those who were affected most by this bill were the independent manufacturers of this country; they were the ones who testified before the committee.

Mr. President, I was going to discuss the question of pools and syndicates in foreign countries, as reported by Mr. Pepper, showing how they handle this business, but I see that the time is fast passing, and I have not even started upon the discussion of the different paragraphs. Therefore I shall allow the remarks I made on Friday last on this question to suffice and ask the privilege of putting into my speech the statement made as to the pools and syndicates, not only in Germany but in England, by Charles M. Pepper in his report upon the steel industry of those two countries.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

[From report of Charles M. Pepper on the German iron and steel industry, found in H. Doc. No. 1353, 60th Cong., 2d sess.]

TRUSTS AND SYNDICATES.

The influence of the combinations, which are variously described as trusts, syndicates, or kartells, is exhibited very clearly in the different branches of the iron and steel trade. From the first stage, which is the coal in the ground, to the last stage, which is the making of the most highly finished articles, between 75 and 80 syndicates are concerned in the manufacture and sale of iron and steel products. This industry, therefore, furnishes an excellent means of judging how the principle of combination is worked out in the industrial and commercial system of Germany.

OPERATIONS OF THE SYNDICATE SYSTEM.

All the syndicates are governed by statutes of their own making, which, if they have not the force of statute law, at least have the same effect on the organizations for which they are devised. The details of these regulations are rarely made public, but their general nature becomes known through their operation. A common model apparently has served for the majority of them, the adaptation being made to the special circumstances of the particular industries which may be formed into a syndicate.

The A B C of the syndicate system as applied to the iron and steel industry is concentrated in the following group: The coal syndicate, the coke syndicate, by-product syndicates, raw-iron syndicates, and steel-works syndicate.

Coal, which is as much raw material to the iron and steel industry as is the iron ore, is effectually controlled by the Westphalian Coal Syndicate. The coal industry enjoys no protective tariff duties, as do most of the finishing industries. There is, moreover, the competitive supply of the coal fields of the United Kingdom, with easy water transportation to the German ports and to many of the inland points through the river and canal systems. Nevertheless, the Westphalian Coal Syndicate enjoys a substantial monopoly of supplying coal to the iron trade.

ORIGIN OF THE SYSTEM.

The germ of this syndicate was disclosed in 1878, when a number of the leading mines formed a combination to raise prices to a remunerative level by preventing overproduction. This agreement related to the prices of gas coal, and it was supplemented three years later by one for the control of open-burning coal. For several years thereafter various combinations were made for restricting the output, but they were usually local in their sphere, and their efforts to regulate the selling prices were not wholly successful. A stronger organization was the Mine Owners' Syndicate, which was formed in 1891. This, however, went to pieces in the following year during a period of severe industrial depression. It was succeeded by the Coal Group, which had been established as far back as 1880. Out of the two organizations grew the Rhenish-Westphalian Syndicate, which was formed in 1893 and renewed at various periods, the last one being December 31, 1905, when an agreement was reached for 10 years, or until January 1, 1916.

WORKING MACHINERY AND METHODS.

The working machinery of the syndicate is through a stock company with a small capital, whose shares belong to the owners of the coal mines in the combination. Shares can not be transferred except by the consent of the association.

THE POWERFUL STEEL SYNDICATE.

The "Stahlwerks Verband" (steel works union, or steel syndicate), which occupies an intermediate position between the coal syndicate and the manufacturers of finished products, is not directly affected by the raw-iron situation, since its organization extends until June 30, 1912. It can not, however, remain entirely unaffected. The steel syndicate is in many respects the most powerful and the most completely organized of all the groups of affiliated industries. It has 31 members, of whom nearly one-half are in the Dortmund district, and its individual members are known to the trade the world over. Some account of its organization and methods is of general interest. The administration and executive headquarters are at Dusseldorf, where a large staff of accountants and other employees is maintained.

The policy of the association is controlled by the general assembly, which is composed of all the members. There is an administrative council, but the practical work is carried on by an executive committee. The base of the contract among the members—that is, the participation—is for each 1,000 tons of products, which are described in detail. The contract covers all that the members of the syndicate produce of the following articles: (a) Raw steel (ingots); (b) puddle loops; (c) finished products derived from raw steel and puddle loops.

EXPORT POLICY AND BOUNTY.

The export policy of the syndicates is so essential a feature of the whole system that it requires a brief description. The practice appears to be that the bounty is not paid on the consumption of their own products to the different syndicate members, but rather to the consumers; that is, the reduced rates are in the nature of a premium to the buyers. In 1902, when the recovery was beginning from the severe depression which had followed the boom of 1900, the Westphalian Coal Syndicate and its allied combinations and the raw-iron, half-finished iron and steel, and girders industries established a clearing house with headquarters at Dusseldorf for the special purpose of arranging the premiums on exports. The general principle was laid down that the export premium must, as a rule, not exceed the difference between the foreign and the inland prices, with a reduction of 1 per cent of the premium to cover the working expenses. The application of the principle has become very intricate, and it is doubtful if the members themselves fully understand the workings of the Dusseldorf Clearing House. However, they are clear that exports are promoted by granting premiums, and numerous instances are given of the amounts of these premiums.

The payment of the bounties is worked out somewhat as follows: The coal syndicate pays a bounty to the members of the raw-iron syndicates who own no collieries and who as customers help to work off the coal produced; the members of the steel syndicate, who produce no raw material of their own and who purchase from the raw-iron syndicates, in turn become entitled to a bounty from them, and the process is continued through the multifarious finishing industries which are buyers of the half-finished products of the steel syndicate.

During the active period from 1905 to 1908 the maximum bounty paid per ton on coal was 36 cents; on raw iron, exclusive of coal bounty, 60 cents; half finished goods, inclusive of bounty on coal and raw iron, \$3.60; girders of all kinds, inclusive of bounty on coal and raw iron, \$7.80. These bounties are reduced, discontinued and restored, and modified from time to time according to the state of the home and foreign markets, but the system is too intricate to be followed in all its details.

EFFECT OF THE SYSTEM.

The effect of this export system is, to some extent, a matter of opinion. In substance it is defended on the ground that while foreign sales are frequently made below cost prices they are not below the actual cost, the general average being made up from the total receipts of both the home and the foreign markets. Nevertheless, in some cases, in order to decrease the overproduction, or to protect the foreign market, it is admitted that sales are made below actual cost. Some anomalous instances are shown of the policy, as in the case of semi-manufactured raw material, which is exported and then reimported at a lower price than the home consumer can obtain. In general the objection made by the finishing industries is that by shipping what should be their raw material abroad at lower prices than it is sold for at home, their international competitors are able to build up business at their expense, and that one class of home industries therefore suffers seriously by the policy. In its broad aspect there is no disposition to deny the syndicates the credit for preventing excessive rises during boom periods, and equally for preventing rapid falls in periods of depression. This is called the "leveling process" and is exploited by all the syndicates in justification of their methods. Since the present depression it is pointed out that the fall in the prices of articles not included in the export-bounty arrangement has been far more rapid than with those included, and numerous examples confirm this claim. In further illustration it is cited that the establishments which expected to profit by the demoralization resulting from the impending dissolution of the raw-iron syndicates found their own products reduced in greater proportion.

POPULARITY OF THE SYSTEM.

In spite of a constant stream of criticism and interrogation it can not be said that as a whole the German people are opposed to the system which is so thoroughly a part of their industrial development. Their fondness for minute organization finds full scope in the syndication, and sometimes their ingenuity proves superior to what seems to be insuperable natural possibilities. Generally, it may be said that both Government and people are committed to the policy of securing a proportion of the export trade for all industries, usually one-third. Often the objection to the foreign prices is not that they are lower than home prices, but that the margin is too great.

[From Report of Charles M. Pepper on the British Iron and Steel Industry, found in S. Doc. No. 42, 61st Cong., 1st sess.]

THE HOME MARKET AND POOL INFLUENCE.

The British home market for rails is naturally a small one, there being little new building and the renewals on the existing lines not being excessive. The home trade is also divided through the agency of a pool. This is a very close combination, with headquarters in London and a regular office with expert accountants in charge. The business is managed by a board which is in session all the year, which fixes prices and which makes the allotments to the various companies, so that the railways in buying rails have not the benefit of selection.

When a railroad is in the market for rails, the pool fixes not only the price but the companies by which the deliveries shall be made. A Scotch railway company which was in the market in the beginning

of the present year for an order of 27,000 tons had no voice in designating what proportion of the order should go to the different rail mills. The representatives of the companies put their respective claims strenuously before the board, but none of them sought to question the allotment, which was divided among the north of England and Scotch mills. Several years ago the Scotch mills, which were making chiefly girders, saw an economic advantage in turning out rails as well. It was claimed that they could not roll rails at their mills. Some of them, however, began to do it and also to ship the rails abroad, thus disturbing the balance of the International Rail Syndicate. The result was that they were taken into the British Rail Pool and now have their allotment in all the contracts for Scotland, sharing this with the north of England mills. Allotment is also made them for the export trade. It is understood that the British Rail Pool acts as the intermediary for the smaller mills in their relations with the International Syndicate. The quoted prices of rails since the beginning of 1909 has been £5 5s. to £5 10s. (\$25.55 to \$26.76) per ton.

COMBINATIONS AND POOLS.

Besides the rail pool there are combinations in other branches of the British iron and steel industry for both the home and the foreign market. The Scotch manufacturers have taken the lead in making these agreements, sometimes forcing the English mills to join with them. The situation is accurately described in the annual review of the Scotch iron and steel industry for 1908 by a leading trade journal, *The Iron and Coal Trades Review*, January 1, 1909, as follows:

"The course of prices during the year has been downward, but the fall was more pronounced for export than for home business. This is accounted for by the combine system, which controls prices for the home market. The whole of this free-trade country is honeycombed with combines, and these include most branches of the iron, steel, and metal trades. The late severe depression has tested these combines, and in some cases they have broken down. The tube makers, for example, are cutting each other's throat at the present time, and, locally, there are rumors that the bar-iron makers are not quite a happy family. The Scotch steel makers have kept well together and, besides, have a working arrangement with their brethren in England. Since trade fell away it was found advisable to curtail production, and this was accomplished by the closing down of one important steel work under subsidy."

Price conventions or trust agreements exist in the galvanized-sheet industries, the Midland marked-bar makers, and other industries. One of the most effectively enforced combinations is that between the south of England and the Scotch makers of steel plates and angles. The Scotch ship-plate makers work as a unit as to prices for both the domestic and the foreign markets, and the home consumers pay the prices which are fixed by the combination according to the varying conditions of the trade. So thorough is this agreement that it is allowed for in the wage agreements which are entered into with the trades-unions. Under the trades-unions' agreements in fixing the sliding scale of wages, the selling price governs, and in relation to ship plates, etc., the adjustment is made on the basis of both the home selling price and the export prices.

In dull times, when the home demand is restricted and foreign business is wanted badly, a difference of \$5 on a ton is about the average between home and foreign prices, but sometimes even a greater discount is made to the foreign buyer. An example of the higher prices which the Scotch home consumer pays is given in the following quotation from the commercial columns of the *Glasgow Evening Citizen* of February 17:

"For export orders competition is excessively keen and prices are severely cut. Proof of this is afforded in the fact that this week a quantity of steel bars (for which the local official rate is £7, less 5 per cent) have been sold by makers at £5 15s. less 5 per cent, or at a drop of 25s. a ton, a transaction that has taken the trade by surprise."

HOME AND FOREIGN PRICES.

As an example, in pipes and tubes, which are also controlled by the combination, a large machinery-importing house on the Continent gets quotations which are below the quotations for the British market, and obligates itself not to ship any of the material back to Great Britain. In transactions of this kind the material, instead of being sold f. o. b. British ports, is sold free Hamburg, or Rotterdam, or Antwerp, as the case may be.

The formation of these trade combinations, both as to home and foreign trade, is growing among the British manufacturers. It is usually described as a "movement toward cooperation." The success of the International Rail Syndicate is cited as the justification for entering into other international syndicates. The subject received wide discussion in September, 1908, on the address of the chairman of the executive committee of the United States Steel Corporation to the British Iron and Steel Institute.

Mr. SMOOT. Mr. President, a great deal has been said in relation to dividends which have been paid by the iron and steel manufacturing companies in this country. I want to say that the dividends of the steel companies of the United States are not so high as are those in Germany. For instance, Mr. Pepper says:

The capital stock of the Harpener Co. is 72,200,000 marks (\$17,183,600). On this it paid the regular dividend of 4 per cent, with an extra dividend of 7 per cent, or 11 per cent in all, the total dividend payment amounting to 7,942,000 marks (\$1,890,196).

The Phoenix Co., which is located at Laar, near the junction of the Rhine and Ruhr Rivers, is engaged in coal mining and the various branches of the iron industry.

Mr. Pepper goes on to tell how much the company produced in coal, and so forth, and says:

The company paid a dividend of 11 per cent, or 11,000,000 marks (\$2,618,000).

The Hoesch Iron & Steel Works, of Dortmund, paid a dividend of 14 per cent, or 2,352,000 marks, for the year 1907-8.

Mr. O'GORMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. Yes; I yield to the Senator from New York.

Mr. O'GORMAN. Can the Senator state whether the same methods of capitalization apply in Germany that characterize the capitalization of the United States Steel Trust?

Mr. SMOOT. As to the United States Steel Trust, I can not say, but I can say they apply to most of the independent manufacturers in this country.

Mr. O'GORMAN. I suppose the Senator from Utah will concede that the capitalization of the German companies represents the actual capital invested in those enterprises?

Mr. SMOOT. Or capital and increases by way of profits.

Mr. O'GORMAN. Legitimate increases.

Mr. SMOOT. Just the same as is the case with most of the independent companies in this country.

Mr. O'GORMAN. They do not represent inflated and fictitious values, such as have characterized the formation of many of the corporations in the steel industry in this country?

Mr. SMOOT. I can not say as to how many, because I do not know, but—

Mr. O'GORMAN. With that concession, the statement now being made by the Senator from Utah as to the relative rate of dividends is not very illuminating or instructive.

Mr. SMOOT. Well, Mr. President, I know that the independent companies, as they have testified before the committee, claim that their capital stock represents actual cash paid in and profits that may have been added. That is exactly the system that is followed in Germany. I am not comparing the dividends of the German companies with the United States Steel Corporation, but I am comparing them with the independent companies in the United States.

The Republican members of the Senate in discussing tariff rates must take into consideration the declaration made upon the tariff question in the Republican national platform adopted at Chicago nearly four years ago. In order that we may know just what that declaration is, I want to read it now, and then follow with a presentation of the facts covering each paragraph, and see whether the proposed rates of duty in the House bill or the substitute offered by the Senator from Iowa are in conformity with the declaration of the Republican Party.

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between cost of production at home and abroad, together with a reasonable profit to American industries. * * * the aim and the purpose of the Republican policy being not only to preserve without excessive duties the security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wageworkers of this country, who are the most direct beneficiaries of the protective system.

I quote from the national platform of the Republican Party adopted in 1908, to which the people of this country overwhelmingly declared their approval.

Mr. O'GORMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. I yield.

Mr. O'GORMAN. Do I understand the Senator from Utah to avow his belief now in the doctrine enunciated in the Republican national platform of four years ago, that tariff laws should be enacted to guarantee a profit to men engaged in the manufacturing industries?

Mr. SMOOT. I believe in a tariff that will protect all of the industries of this country, as the platform of 1908 declared.

Mr. O'GORMAN. Will the Senator state why manufacturers should be guaranteed a profit in their enterprises when the millions of Americans engaged in other activities have to meet the competition of the world and are not fortified by a Government guaranty of successful operation?

Mr. SMOOT. There are no industries in this country that are protected by a tariff that does not indirectly benefit every man and woman whom the Senator has in mind.

Mr. O'GORMAN. By raising prices?

Mr. SMOOT. Not by raising prices, but by seeing to it that American workmen are employed in the manufacture of the goods to supply the American market, and in return purchase the products of the field and farm, and of those to whom the Senator has referred to as having no protection.

Mr. O'GORMAN. Who guarantees the profits of the merchant who deals in those commodities, if I may ask the Senator from Utah?

Mr. SMOOT. Well, Mr. President, that is entirely a different proposition. The merchant can sell either local or foreign made goods and make his profit; the manufacturer can not.

Mr. REED. Mr. President, he has a foreign competitor, has he not, when a man comes to our shores and opens a shop right beside him?

Mr. SMOOT. Well, Mr. President, if a foreigner does business in this country by opening a shop beside the American merchant, he must pay the same duty upon his goods as the American merchant and must pay taxes, American wages,

American advertising rates, and must abide by the laws of this country.

Mr. BACON. Mr. President, if the Senator will pardon me, he made a very broad statement a moment ago, and I should like to be enlightened in regard to it. The Senator, as I understood him, said that the protective tariff benefited every person—the Senator made no exception whatever—in the United States. Am I correct?

Mr. SMOOT. Yes; and I think I am correct in that statement.

Mr. BACON. Well, for a good long time, ever since I have taken any interest in public affairs and have had occasion to give some examination to economic questions, it has been a matter of very serious concern in my section of the country that the men—and I will remark in passing that I am referring to the same matter about which I had a colloquy with the Senator from Iowa [Mr. CUMMINS] a few days ago—

Mr. SMOOT. That was in regard to cotton?

Mr. BACON. Yes. It is a matter of very serious concern that the man who raises cotton, the producer of cotton, has to pay prices very much increased by a high tariff on every single article which he uses in the production of cotton. All of his farming implements, his plows, his hoes, and all other agricultural tools, all his chains, all of his harness, and every other thing which is necessarily used in the production of cotton, is very much increased in price, and, not only so, but all the clothing which he and his family wear, and everything which they consume outside of that which they raise themselves, and outside of such things as the tariff may not be able to reach, are very much increased in price to him, if not doubled in price—the pocketknife, the scythe blade, every piece of agricultural machinery is raised in price, not in a small degree but tremendously. I happen to know a little about these prices, as I am myself a jacklegged farmer, not a professional farmer, and how they have been increased within the last few years. Now, that is a matter of concern because of the fact that the price of cotton, that which the cotton farmer produces, is not correspondingly raised by the tariff; but, on the contrary, he has to take as payment for what he produces a price which is fixed in the markets of the world and which is not influenced by the tariff. How does the Senator square that condition of affairs with the statement which he has just made?

Mr. SMOOT. I take issue with the Senator in the statement he has made wherein he says that the price of cotton is not influenced by the production of manufactured cotton goods in this country. If the manufacturers of cotton goods in this country were all destroyed or were not allowed to manufacture such goods or could not do so profitably, for no matter what reason, the cotton grower of the South would not get as much for his cotton as he does.

Mr. BACON rose.

Mr. SMOOT. I know the Senator will say that the price of cotton paid the southern grower is made in Liverpool—

Mr. BACON. It undoubtedly is.

Mr. SMOOT. That is a disputed question. If England, Germany, and France had the buying of all the American cotton, with no sale for it in a home market, I do not believe the American grower would receive as high a price for his cotton as he does; no doubt there would be a combination in those countries such as there is in the iron and steel trade, and they would pay to the producer of cotton in the country the price fixed by the combination.

Take the cotton mills of the South, located right at the door of the cotton grower. The grower is paid a higher price for his cotton than he gets in Liverpool. He has an advantage by having the mill at his door, and the fact that the mill is built there is due entirely to the tariff, and if it was not for the tariff, the cotton mills of North Carolina, South Carolina, and Georgia would not be located there to-day.

Mr. BACON. I wish to say a word simply. That is a latter-day contention and absolutely untrue, something never heard of until this matter has gotten into a condition where the interests of the country at large are a little more regarded than they were in former days, when to a considerable extent the public eye was limited in its range to certain parts of the country to the exclusion of others.

Mr. SMOOT. I have never—

Mr. BACON. Such a thing as that the price of cotton is not fixed in the markets of the world is a latter-day contention. The contention, in the first place, that the mills are the result of the protective tariff, which has encouraged their erection, and that for that reason the price of cotton has been raised is as far-fetched an argument as I can conceive of. The Senator knows very well—of course every man who has had any business experience knows—that the supply and demand are

the great factors in fixing prices whenever there is no artificial stimulant or barrier. The world consumes the cotton which its needs require, and it takes a certain supply of manufactured cotton to meet the needs and demands of the world; and if there were not a cotton factory in the United States and if the Southern States raised the cotton necessary for the manufacture of the required amount, that cotton would be manufactured elsewhere.

Mr. SMOOT. Providing the people could buy it in this country, and this is one of the greatest markets in the world.

Mr. BACON. Why could they not buy it?

Mr. SMOOT. Close the cotton factories in this country, throwing their employees out of employment and forcing them into some other fields of endeavor, and see what the result would be in this country.

Mr. BACON. Undoubtedly if you take any existing industry and suddenly throw out those who are employed in it, there would be a great convulsion and a great disaster. But suppose there never had been one and these same people had been engaged in other remunerative industries, as they would have been, would they not have money with which to buy cotton cloth?

Mr. SMOOT. They would not be in this country. They would be in foreign countries.

Mr. BACON. No, Mr. President, this great country with its great resources and rapid development has called upon the adventurous people of the world to aid in the development of this country, half of which has not yet been developed.

Mr. SMOOT. That has all been accomplished, or at least a large part of it, under the protective system. Let me give you a picture of the growth of the United States in figures.

Mr. BACON. All of which I know is due to the Senator and his party for what they have been doing for a half century. It is not due to the resources of the country; it is not due to the activities and industry and perseverance of our people; it is not due to the sunshine or rain or fertile soil or inventive genius or active, untiring work and industry of our people; but it is solely to the fact that we have a protective tariff.

Mr. SMOOT. Is it not rather strange, Mr. President—

Mr. BACON. I hope the Senator will let me conclude.

The PRESIDING OFFICER (Mr. SMITH of Georgia in the chair). Does the Senator from Utah yield to the Senator from Georgia. The Senator from Utah has the floor.

Mr. SMOOT. I say it is not strange for anyone to claim that the tariff has nothing to do with our growth and prosperity when we look back upon the years 1893-1897?

Mr. BACON. Oh—

Mr. SMOOT. Just a moment—and compare those years with the four that followed, and we will see that in the latter period the American people saved \$450,000,000 and deposited in the savings banks more than they did in the preceding four years.

Mr. BACON. What about 1907?

Mr. SMOOT. I will compare any four years in the history of this country when the Republican Party has been in power with four years of Democratic rule, and I say that the deposits in savings banks have increased more when the Republican Party has been in power than when the Democratic Party was in power.

Mr. BACON. That is a very old story which has been thrashed out in this Chamber a good many times.

Mr. SMOOT. I know the Senator does not like the comparison. Most Democrats do not.

Mr. BACON. I wish to ask the Senator one question. If it be true that with no tariff on cotton, by reason of the fact that we have cotton manufactures, the price of cotton is kept up, why would it not be equally true, if we had free wool, that the price would be kept up by the fact that we had woolen manufactures? Why does the Senator insist on a duty on wool if it be true that the factories in the country are sufficient to keep up the price of it?

Mr. SMOOT. I, myself, believe—

Mr. BACON. I do not wonder the Senator hesitates before replying.

Mr. SMOOT. I do not hesitate. I, myself, believe that if the wool was grown at the door of the mill and manufactured, the same as cotton is grown at the door of the mill in the South, there would be a higher price paid for the wool than the grower would be able to get by selling in a foreign market; but the comparison is not an apt one because the difference between the cost of producing wool in this country and producing it in a foreign country is greater than the cost of producing cotton here and abroad.

Mr. BACON. Yes; but for the Senator to stand here and say that because we have cotton factories in this country it compensates the producer of raw cotton for all the burdens

that that tariff lays upon him, in the fact that the general tariff so raises the price of the raw cotton to such a great extent, leads inevitably and irresistibly to the conclusion that if you will apply the same rule to the woolen manufactures that the compensation to the grower of wool would be so great by reason of the fact that we have woolen factories, that that increase in the price of wool would be ample without any tariff to protect the wool.

Mr. SMOOT. Mr. President—

Mr. BACON. If the Senator will let me finish, because I have not quite completed the proposition. Of course I have the floor by his courtesy alone.

Now, the proposition of the Senator is this—and he must go back and apply the whole of it—that the fact of the influence of the general tariff upon other articles so raises the price of raw cotton that it will compensate in the increased price of raw cotton occasioned thereby for all the burdens that the grower of cotton has to bear on the articles he has to consume. That is the proposition of the Senator, because he has said that in its benefits the tariff compensates every man, and that includes the grower of cotton, for the burdens which he has to bear. If that is true, it would be equally true that the producer of raw wool would be fully compensated, even if his product was without a protective tariff, by reason of the fact that the tariff on other articles would so increase the price of wool as to fully compensate him for the burdens which he bears in paying increased prices by reason of the tariff on all the articles he consumes. One must stand by one as well as the other. The Senator says it would be true if wool were at the door of the factory. Wool is as much at the door of the factory as is cotton.

Mr. SMOOT. I did not say so.

I call the Senator's attention to this point; He does not take into consideration the fact that in the United States there is more cotton grown than it is possible to use in this country.

Mr. BACON. Of course.

Mr. SMOOT. And we have to ship the cotton to a foreign country. But that is not the case with wool.

Mr. BACON. Will the Senator pardon me a moment?

Mr. SMOOT. Wait until I get through.

Mr. BACON. It is in order to ask him if I understand him. Do I understand the Senator to say more wool is grown in this country than we can use?

Mr. SMOOT. No. I said there was more cotton raised in the United States than it is possible for the United States to use in her manufactures.

Mr. BACON. That is a different proposition.

Mr. SMOOT. But that is not the case with wool.

Only two-thirds of the wool used by the manufacturers of woolen goods in this country is produced in the United States, and therefore we are compelled to go abroad and purchase wool; and I do not think the Senator will claim that wool can be produced in this country as cheaply as it can be in Australia and South America or in any of the great wool-producing countries of the world.

Mr. BACON. There have been annually between 3,000,000 and 4,000,000 bales of cotton produced outside of the United States and produced by the cheapest labor in the world—in India.

Mr. SMOOT. All of which is not as much as the American crop exported every year.

Mr. BACON. Of course not.

Mr. SMOOT. If the time ever comes when the cotton produced in this country is not sufficient to supply the cotton mills of this country and there is cotton raised in the world that competes in price with American cotton, I will be one who will be only too glad to have a duty placed on cotton.

Mr. BACON. I do not want to bring the Senator to that conclusion; that is not what I am after.

Mr. SMOOT. I know that is not what the Senator is after.

Mr. BACON. Yes.

Mr. SMOOT. But that is my conclusion and that is my position.

Mr. BACON. The Senator would do that, but that does not affect the question which the Senator raised, and of which he made such a strong enunciation—as to the influence on the price of raw cotton of the tariff on the articles which the cotton producer has to consume.

I want to make one other observation to the Senator, but I am afraid I am interrupting him unduly, but it is simply to complete this matter and then I will not interrupt him further: If it were true that the general tariff had the very great influence upon the price of raw cotton which the Senator contends, then it would necessarily be true that the continuance of the protective tariff generally on other articles would steady the price of cotton. The Senator does not say it would

be a slight influence. The Senator does not contend that it has a slight influence. His contention is that it is a very great influence, and when the cotton grower has to pay 30 or 50 per cent—more often 50 than 30; sometimes 100 per cent—more for the articles he consumes than he otherwise would have to pay, and when the Senator says that as the result of that he has such an increased price for his cotton as to compensate him for the great burden, the Senator, of course, means that that is a very great compensation.

The point I want to call the attention of the Senator to is this: If it has, as it were, this tremendous influence, and no slight influence, we would not have the great fluctuations in the price of cotton that we have had. The protective tariff on other articles would steady its price. Less than 18 months ago the price of cotton was from 15 to 20 cents a pound and with the same tariff law on the books it is this year down to 7 and 8 cents a pound. Why does not the protective tariff hold up the price of cotton? And with the protective tariff what it is now I have seen cotton go to 4 cents a pound. Why did not the protective tariff hold up the price of cotton like it does the price of steel rails and other articles directly protected?

Mr. SMOOT. The Senator is entirely mistaken in the statement that the tariff holds up the price of everything that is protected. That is not the case. Supply and demand is a great regulator of prices. It is true that in normal times and under normal conditions the tariff acts as a protection to the American manufacturer.

Mr. BACON. Yet the tariff has kept up the price of steel rails for 10 years at \$28 a ton, and even through a panic they were not sold for less.

Mr. SMOOT. I will ask the Senator if steel rails can be made cheaper to-day than 10 years ago.

Mr. BACON. Well, I do not suppose they can be.

Mr. SMOOT. Then why do you expect steel rails to be less in price?

Mr. BACON. And cotton can not be made any cheaper now, when it is selling for 7 or 8 cents, than when it was selling, 18 months ago, at 15 to 20 cents.

Mr. SMOOT. The tariff has not advanced the price of rails. The price of rails in Germany and England is higher than it was 10 years ago.

Mr. BACON. I do not doubt that. But there is no doubt about the fact that the tariff has kept up the price of rails, unless the Senator is ready to assert that steel rails can not be made cheaper in England than they are made here.

Now, the tariff has undoubtedly prevented steel rails from coming into this country. I have not looked up the statistics of the last few years, but I know when we had the tariff debate here three years ago I did look into them, and I remember that our importation of steel rails was an absolutely negligible quantity. Why? Simply because the tariff shut the door and does not permit those who can make them at cheaper rates to bring them into this country. But it shuts no door to the producer of cotton. It compels him to buy the things he consumes in a protected market, while he sells his product in the free markets of the world, and not the market of a protected country.

Mr. SMOOT. The Senator says the cotton grower pays about 50 per cent more, and in some cases 100 per cent more, for what he consumes than does the foreigner.

Mr. BACON. I did not say that. I did say from 30 to 50 per cent, more often 50 per cent than 30, and sometimes 100 per cent.

Mr. SMOOT. I thought the Senator said at most times 100 per cent.

Mr. BACON. The Senator can look at the Record and see.

Mr. SMOOT. Let us see if your contention is true.

Mr. BACON. Yes.

Mr. SMOOT. Let us take what a man wears and eats. Does the southern man pay more for anything he eats than the man in Germany?

Mr. BACON. I believe it is true that he does not, and for two reasons. He eats the same articles, which I will mention in a moment, but he produces largely what he eats, and so far as other articles of food are concerned, which he does not produce, while the advocates of the protective system make the claim that the prices to the agriculturist producing the other articles are enhanced by reason of it, except in rare instances like the present, when there is a shortage in the potato crop—

Mr. SMOOT. Shortage happens in most every kind of crop, even the cotton crop.

Mr. BACON. The tariff had nothing to do with that. The Senator asked me about what these people consumed. I am telling him what they eat is not very much increased by the tariff, because they produce largely what they consume in the

way of food, and I do not think the tariff has very much influence on most of their other articles of food. It does have upon certain articles, such as sugar and some other things, the price of which has been very largely increased. But when you come to clothing, its cost, I say, is very nearly double. Of course you can find quotations for articles of clothing which are very cheap, but you take the same things, grade for grade, and quality for quality, and the cost of clothing in this country is about 50 per cent to 100 per cent greater than elsewhere. The blankets under which a man sleeps, and the carpets on his floor, and all the other things essential, not only to luxury but to comparative comfort, have been decidedly increased, and in some instances doubled in price.

Mr. SMOOT. Let us take up the question of cost, item by item, and compare prices paid in America and in Europe. Sugar: The American people buy their sugar cheaper than it is purchased in any civilized country, with the exception of England.

Mr. BACON. I do not want to go off on that.

Mr. SMOOT. I am mentioning the articles the Senator himself mentioned. I will say further that every shoe the American consumer purchases, he buys cheaper than the consumer pays in any other country. The cotton goods he wears, his overalls, shirts, and underwear, are just as cheap in this country as in any other country.

The laboring man in this country can buy a ready-made suit of clothes that will fit him better, look better, and wear as long at as low a price as the foreigner pays for his suit.

The Senator from Georgia can not purchase a tailor-made suit as cheaply. The Senator, if he wishes to get a suit of clothes, has them made to order by a tailor that will charge him \$55 for the suit, the cloth in which will net the manufacturer not more than five to six dollars. That same cloth made into a suit by a ready-made-clothing manufacturer would retail to the consumer for not more than \$17 to \$18, and allowing the retail-clothing merchant a large profit as well. The Senator can purchase a tailor-made suit or overcoat in London cheaper than in America, for the tailor in London does not charge for making them what the tailor in the United States does. The Senator knows this to be a fact. He can do the same in France. The cost of the cloth in a tailor-made suit or overcoat has mighty little to do with the price at which it is sold.

Mr. BACON. If the Senator will pardon me—

Mr. SMOOT. Let us proceed with other items—

Mr. BACON. Let me say something about clothing before you go to wool.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. I yield.

Mr. BACON. The Senator applies the argumentum ad hominem. We all clothe as we—that is, we all wear like grades of cloth—

Mr. SMOOT. I say no.

Mr. BACON. The Senator will not even permit me to complete a sentence.

Mr. SMOOT. If the Senator is going to answer me, I want him to base his statement upon what I did say. I said the cost of clothing was not so much the cost of the cloth as it was the cost of the making.

Mr. BACON. I entirely differ with the Senator. What I want to call his attention to is that under the present system of the protective tariff, as the Senator, I think, will recognize—he speaks of the advantage which comes to those of us in circumstances enabling us to get the best class of goods—if I recollect aright the figures that we had before us three years ago, the tariff on the common article of goods, the tariff on the articles which the common people have to wear, the tariff on the cheaper class of woollens, the tariff on the cheaper class of ready-made clothing, the tariff on the cheaper class of blankets, and everything of that kind which our factories mostly produce, and which the common people use, is very much higher than the tariff on the higher class of goods such as the Senator wears and such as his family uses.

Mr. SMOOT. I want to say to the Senator that he certainly has not examined the actual results of the tariff on this class of goods as demonstrated by the report of the Tariff Board. The Tariff Board reports show plainly that the class of cheap goods spoken of by the Senator, with an equivalent ad valorem duty of over 100 per cent and with very few importations into this country, the competition has been so keen between American manufacturers of this class of goods that the price they have been sold at not one-third of the duty imposed by the present law has been taken advantage of.

Mr. BACON. Would not the Senator hold in such a case that the duty was three times as high as was necessary?

Mr. SMOOT. This comes from assessing the duty on the basis of the goods being all wool when they have but little wool in them. The cheap blankets the Senator speaks of, which he says the poor people buy, are not all-wool blankets, and competition in this country is so keen that in many cases mills have failed in trying to make them.

Mr. BACON. Then the Senator—

The PRESIDING OFFICER. The Chair will have to ask Senators to address the Chair before interrupting.

Mr. BACON. It is my fault.

Mr. SMOOT. The Senator from Utah is not interrupting. I am perfectly willing to yield at any time to the Senator from Georgia, and if the Senator from Georgia desires to further interrupt me I am not going to object.

Referring again to cheap blankets, if the Senator will examine the price at which the blankets are imported into this country, he will find their appraised value about 24 cents a pound. Are they wool? Everyone knows they are not. There is enough wool in the blanket to make the American people believe they are a wool blanket. It is a deception, and the present law provides that if such goods are imported they must be assessed as all wool.

I do not know whether the present system of levying duties on woollen goods will be changed or not; but if not, I do not think it will make much difference in the cost of cheap blankets to the American people, because the competition between American manufacturers has been so sharp that in the past they have been sold in many cases at actual cost.

Now, I wish to proceed and enumerate other articles the southern planter pays no more for than the foreigner does, and not only that—

Mr. BACON. Before the Senator passes from that—

Mr. SMOOT. When we get to the end of the list we will find that he does not pay for the bulk of what he consumes and wears much more than the laboring man has to pay in England, Germany, and France; this does not apply to luxuries, but to goods used by the laboring people. And what does he get in return? The best market in all the world for his labor and for what he sells.

Mr. BACON. For his cotton?

Mr. SMOOT. Yes; for his cotton. It is the best market in all the world for his cotton. There is no doubt of it.

Mr. HEYBURN. To buy in and to sell in.

Mr. SMOOT. Yes; as the Senator suggests, to buy in and to sell in.

Mr. BACON. If the Senator will pardon me right there, the idea of the cotton planter being indebted to the protective tariff for a market in which he sells his raw cotton is something that I think the Senator will find it very difficult to convince anyone who has to pay the cost of production and has received the price of his sales.

If the Senator will pardon me just a moment, the Senator went on and I could not of course interrupt him, but I want to say a word in connection with what he said in regard to the low price of articles of clothing, blankets, and so forth, in this country by reason of competition. If there is any such very great benefit coming to the American people as the very low price which he has mentioned, of which I confess I do not think the American people themselves have been very sensible, it is not due to the protective tariff. If it is so that they can sell goods under keen competition at one-third of the amount of the tariff, which I understood to be the statement of the Senator, if they can afford to sell their goods under competition at one-third of the amount of the tariff, then the tariff must be imposed in order to enable them, whenever conditions will permit them to do so, to sell at 300 per cent more than would compensate them in the manufacture and sale of the goods.

Mr. SMOOT. The Senator is assuming something that is absolutely impossible. As I have stated to the Senate many times, there can not be a trust in the woollen industry. There are over a thousand different mills in the United States, and I tell the Senator now that all those mills are competing for American business, and their success in keeping their mills running depends greatly upon the selling samples they produce in the opening of the heavy-weight or the light-weight season. No two mills make the same line of samples and finish them the same. Therefore, one year a mill may make samples that the trade demands and secure all the orders that it can possibly fill. The next year the samples of the same mill may be a failure on account of pattern and finish. The colors may not blend. The styles may be wrong. One year the mill will be prosperous, the next the reverse.

Mr. BACON. Mr. President, if the Senator will pardon me a moment, I will try not to interrupt him again. I do not say I will not, but I will try not to do so. The Senator is rather

provocative of interruptions, but I will endeavor not to interrupt him, because I feel that I have trespassed upon his courtesy fully as much as I would be justified in doing.

I want to say, in leaving the discussion or colloquy, that it is a little surprising to me sometimes how a man forgets certain things. I recollect something the Senator said three years ago that was so very remarkable it astonishes me that I had forgotten it; but I had forgotten it until the Senator repeated it to-day. It is that he believes the protective tariff in regard to the class of goods he was discussing is a humanitarian purpose and that purpose is not to benefit the manufacturers of this country, but to protect the consumers in this country from fraud to be perpetrated by manufacturers in foreign countries.

That was the statement the Senator made three years ago. It is a most astounding one, and it is astonishing to me that I should have forgotten it. I do not think I will ever forget it again.

Mr. SMOOT. The Senator can put his own construction upon any statement I have made. While I am not going to object to his construing for his own satisfaction any remarks made by me, I want to say that I never made such a statement that it was from a humanitarian standpoint that the tariff upon low-grade goods was imposed.

Mr. BACON. The Senator did not use the word "humanitarian."

Mr. SMOOT. No; of course I did not. Mr. President, it is too big a question to go into at this particular time, but I could tell the Senator exactly the reasons for it.

Mr. GORE. Mr. President—

The PRESIDING OFFICER. Will the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. I yield to the Senator.

Mr. GORE. The Senator has just observed that the United States is the best market in the world, both to buy in and to sell in. He makes that statement in the midst of an argument in which he proved that goods are as cheap here as they are anywhere else and as high everywhere else as they are here.

Mr. SMOOT. We were discussing the question of cotton and what advantages and disadvantages the man has who raises the cotton.

Mr. GORE. The Senator observed that shoes were as high in other countries as they are here; that cotton was as high in other countries as it was here; that clothing was as high in other countries as it was here; and I was just wondering what special advantage there was in the United States which rendered it the best market in the world, both to buy and sell in.

Mr. SMOOT. Does the Senator want me to answer?

Mr. GORE. Yes; I would like to know how you make that discrimination. It is a finer discrimination than I am able to make.

Mr. SMOOT. The articles mentioned by the Senator are not the only ones manufactured in the United States and sold as cheaply as similar goods in foreign countries. Out of the total manufactured products in the United States we consume in this country nearly 93 per cent. These goods are made by American workmen, consumed by American citizens, the happiest, most contented, and most prosperous people upon the face of the earth and—

Mr. GORE. Mr. President—

Mr. SMOOT. I want to say to the Senator that if we destroy the protective system there is only one result, a lowering of the American standard of living to that of European countries. I never want to live to see that day, nor do I want my children to live to see the day when the standard of living in America and the wages paid to American workmen will be the same as paid in foreign countries. I do not refer to China or Japan, but to such countries as England, France, and Germany. I noticed a little while ago the French railroad employees struck for an increase of wage from 80 cents to a dollar a day. I hope to God the time never will come when American railroad employees will be compelled to work for even a dollar a day.

Mr. GORE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Oklahoma?

Mr. SMOOT. I yield to the Senator.

Mr. GORE. Is that the reason why this is the best market in the world?

Mr. SMOOT. That is one of the reasons, Mr. President, and there are others that I can give to the Senator, if he wants to know.

Mr. GORE. It is true that the railway employees in the United States receive much higher wages than the railway employees in France.

Mr. SMOOT. Yes; and the employees of every other industry.

Mr. GORE. That is true, protected and unprotected, and

the highest wages paid in the United States are in the unprotected industries.

Mr. SMOOT. Does the Senator say that the highest wages paid in the United States are in unprotected industries? What are the unprotected industries?

Mr. GORE. As a general rule, I will say. Perhaps there might be several exceptions.

Mr. SMOOT. I do not think the Senator wants that statement to go to the country.

Mr. GORE. I insist that as a general rule the wages in the unprotected industries in the United States are better than those in the protected industries. Take the cotton mills or the woolen mills or the steel mills. There the wages are not so high as the wages of carpenters, stonecutters, bricklayers, and the employees in many other industries in the United States.

Mr. SMOOT. What would carpenters and masons and all other laboring men do in this country if they did not have a market for their labor created by a protective tariff? Mr. President, referring to what the Senator said in relation to the wage paid in cotton mills and in woolen mills and the steel industry, I want to say to the Senator that the wages in all of these industries in this country are more than double what they are in any other country in the world.

Mr. GORE. That is entirely true, Mr. President, not only of protected industries but of unprotected industries. I merely make the point that our laborers enjoy comparatively as high wages in the unprotected as in the protected industries when compared with laborers in foreign countries. That is true on the unprotected cotton farms. The wages paid to farm hands in the South are just as high, compared with the wages paid to farm hands in India and in Egypt, as the wages paid in the cotton mills are higher compared with the wages paid to the employees of the cotton mills in France, Germany, and England.

Mr. SMOOT. Certainly the Senator must know that the wage paid in protected industries is what keeps up the wage of those who are employed in unprotected industries. Throw them out of employment, take them from the protected industries, and I will assure the Senator that not only their wages, but the wages of everyone employed in the unprotected industries in this country, will fall immediately.

Mr. GORE. Mr. President, the same argument was made in England when the proposal was made to go from high protection to free trade that is now advanced by the Senator, but it did not work out. Wages have advanced in England during her free-trade policy, and wages are higher in free-trade England than in protected France; they are higher in England than in protected Germany. How does the Senator reconcile that undeniable fact with his contention that high wages in the United States are due to protection?

Mr. SMOOT. The policy of the German Government is to give her people employment by manufacturing goods not only for her own people, but for the world. Germany must, of necessity, find a foreign market for the great bulk of her manufactured goods. She levies duties to prevent the importation of goods that can be made by German manufacturers, but, on the other hand, she is compelled to export more than half of all that she produces and not 3 or 4 per cent, as we do. In order that she may accomplish this, her wage scale must be no higher than the wage scale of the country that she sells to or the country that she becomes a competitor of.

Mr. GORE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Oklahoma?

Mr. SMOOT. Yes.

Mr. GORE. The cotton goods and woolen goods and clothing and shoes manufactured and sold by Germans sell as high as those manufactured in this country, do they not?

Mr. SMOOT. Mr. President, of course their cotton costs them as much as—

Mr. GORE. I mean the finished product.

Mr. SMOOT. Well, I can not say that they are all the same. I know the price of ordinary plain cotton goods at the present time is about the same in this country as it is in Germany.

Mr. GORE. Shoes and clothing?

Mr. SMOOT. Shoes, of course. The protective tariff—

Mr. GORE. Protection has really nothing to do with these prices.

Mr. SMOOT. Yes, it has. I suppose this country leads all the world, not only in the production of shoes, but it leads all the world as to styles; and if there is no change in the style of shoes made in a foreign country, there is no chance whatever that they will take the American market even with free trade.

Mr. GORE. I think the Senator is entirely right on shoes and everything else.

Mr. SMOOT. No; not on everything else, because the Germans to-day lead the world in the styles of manufactured woollens and many other lines of manufacture. She can manufacture cotton goods just as well as they can be manufactured anywhere else in the world, but she does not manufacture shoes equal in style to those made in the United States.

Mr. GALLINGER. But she may, after a while.

Mr. SMOOT. Yes; and especially if she knew our market would be free to her.

Mr. GORE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. Yes.

Mr. GORE. The point I am getting at is this: If the cost of production is less in Germany, France, and England on cotton goods, shoes, clothing, and woolen goods, how are they able to sell them at as high a price as we are?

Mr. SMOOT. I spoke of plain cotton goods. The American has one advantage in making these to-day. We have in many mills an automatic device for changing the shuttles without stopping the loom not yet introduced into Germany. German manufacturers will adopt this in time. This is only used on looms making plain cloths. The great bulk of cotton goods imported into this country are the finer grades and higher-priced goods, and they are made in France, England, and Germany cheaper than they can be made in this country.

Mr. GORE. This loom will greatly reduce the cost of production both here and abroad.

Mr. SMOOT. It has reduced the cost here and will abroad, when introduced.

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

the aim and purpose of the Republican policy being not only to preserve, without excessive duties, that security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wage earners of this country, who are the most direct beneficiaries of the protective system.

I quote from the national platform of the Republican Party adopted in 1908, when the people of this country overwhelmingly declared their approval of such tariff principles.

According to the *Cyclopedia of Political History*, by John J. Lalor, American protectionists have more generally favored specific duties, while American free traders have contended for ad valorem duties. This *cyclopedia* points out that the greatest obstacle in the way of making duties ad valorem is the impossibility of arriving at the proper valuation of the goods to be taxed. In discussing the defects of the ad valorem system this author says:

It can easily be seen how many opportunities there are for fraud; how easily, on the one hand, the Government may lose enormous sums by the carelessness or venality of its officers; how easily, on the other, commerce may be impeded or destroyed by the arbitrariness of the officials. The United States Government loses enormous sums every year by undervaluation. In the case of silk goods it is estimated that the Government loses from 15 to 20 per cent on account of undervaluation, in spite of the most earnest efforts to prevent it. But worse than this loss is the delivering over of trade and commerce to the mercy of a set of officials. To leave an opportunity of arbitrary interference on the part of officials is to introduce into commerce an element which can never be estimated. Even the storms and winds of ocean may be subjected to an estimate of probabilities, but the whims of a bureaucracy defy all attempts at computation. This uncertainty bears hardest on the small importer, for if he gets into trouble with the customs officials he has neither time nor money to carry on the contest. He must make a compromise immediately or be ruined. As a result the man of small capital must disappear from the ranks of importers, as he has, in fact, disappeared in America. There is another objection to the system of ad valorem duties. It prevents even the wholesale dealer from taking full advantage of the fluctuations of trade, for the duties must be paid according to the ruling market price, and even if a merchant has purchased a lot of goods at favorable prices he must pay just as much duty as if he had paid the ordinary price, and he is thus deprived of a part of his gain. In this manner the very foundation of all healthful trade is constantly undermined. If we add to these points two other considerations we shall readily understand why ad valorem duties are gradually disappearing from the tariffs of civilized nations.

The first of these is that we need officials of a much higher grade to administer a system of duties ad valorem than to administer a system of specific duties, and that they must consequently be paid much higher wages. The United States Government must now pay very large salaries to a great number of experts, most of whom could be dispensed with under a system of pure specific duties. The second is that, as the vigor of a system of ad valorem duties depends more completely on the administration, there is always danger that the customhouses of the various cities will vie with each other in leniency in order to attract trade from one port to another. Some charges of this sort have been made in our own country by the officials of one city against those of another.

Mr. R. H. Inglis Palgrave, author of an English Dictionary of Political Economy, also points out the defects of an ad valorem tariff system. Mr. Palgrave says:

At first sight this form of taxation appears the more equitable one. In practice, however, customs duties ad valorem have been found to work out with great inequality, and also to be inconvenient to levy for

various reasons, among which are the following: (1) The difficulty of ascertaining correctly the values of the goods charged with the duty; (2) the opening to fraud; (3) the delay and hindrances caused to importers and others.

Mr. Leon Day, in his *Dictionnaire des Finances*, says of ad valorem duties as used by the French Government:

The experience which the French customs service had with ad valorem traffic from 1860 to 1880 demonstrated that this system, while it is deductive in theory, is unsatisfactory in practice. More than any other system it encourages frauds because of the difficulty of recognizing inaccuracies in declarations. It robs the treasury, which is deprived of a part of the customs dues; it causes injury to honest merchants whom it involves in litigation, and tends to dishonest competition on the part of unscrupulous traders. It is only advantageous to the fraudulently inclined.

A German authority, the *Handwörterbuch der Staatswissenschaften*, has this to say of ad valorem duties:

The technical accomplishment of assessment of duties according to the value of the merchandise suffers from great inefficiency. The declarations of the person responsible are not always reliable and the customs authorities only seldom capable to correct their deficiencies. The regulations and other precautionary measures promulgated, as a rule, are ineffective. In order to prevent undervaluation by the owner, officials of the treasury have been authorized, in some cases, to make an addition, usually 10 per cent, to the declared value, as a *vorverkaufrecht* (literally, first sale right) or right of purchase. Also expensive bureaus have been established to ascertain permanent or average market values of merchandise (official values, fluctuating values), or, as a last resort, in doubtful cases persons with expert knowledge on the subject have been requested to value the merchandise. These persons have, however, given their services unwillingly. The expense of these elaborate supervisory bureaus for controlling importations have made it necessary to curtail the number of bureaus and to permit importations at but few places, which gives rise to unhealthy centralization. All these circumstances have made the assessment of ad valorem duties, as a whole, very unpopular, yet recently, at least, they have again been partially adopted.

In regard to the specific system, the *Handwörterbuch der Staatswissenschaften* says:

Measure or specific duties (weight and piece duties) are assessed according to the measure, weight, or number of pieces of the imported merchandise. They are easier, simpler, and cheaper to collect, cause less burden on commerce, less drudgery and litigation, give less inducement to frauds, and can be easily collected at a great many customs stations.

It is thus to be seen that the tariff authorities have agreed upon the impracticability of a tariff system based exclusively upon ad valorem duties. As I have said before, nearly all the leading nations use specific duties almost entirely, ad valorem duties being resorted to only in certain special cases. These countries are Austria-Hungary, France, Germany, Great Britain, Italy, Russia, Spain, Sweden, Switzerland, Mexico, Brazil, and Venezuela. Canada, Japan, and certain South American countries have tariff systems in which ad valorem duties seem to predominate. The Underwood bill would place the United States in the latter group of countries, so far as its tariff system is concerned, if we are now to adopt an ad valorem basis which the foremost commercial nations have discarded.

Mr. GALLINGER. Mr. President, if the Senator from Utah will yield to me—

Mr. SMOOT. I yield to the Senator.

Mr. GALLINGER. I desire, before moving to proceed to the consideration of executive business, to suggest, in view of the remarks of the Senator from Oklahoma [Mr. GORE], that it is rather astonishing to me to find any Senator in the year 1912 arguing that the protective policy of the Republican Party is not a benefit to the people of the United States. We had a great many woolen mills in New Hampshire in 1892. We had free wool as a result of a Democratic tariff law, and more than one-half of our woolen mills went out of existence in three years. During those four years of low tariff the laboring men and others in the little State of New Hampshire drew out of our savings banks over \$12,000,000 to meet the common necessities of life; and I say it is rather astonishing to me that anybody should argue that the protective policy is not an advantage to all classes of people of this country. But we will discuss that later on.

I now, Mr. President, if the Senator will yield to me, as he is tired—

Mr. SMOOT. I will yield the floor for the day.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

PHASES IN POLITICAL SITUATION.

Mr. STONE. I desire to give notice that on to-morrow, Tuesday, following the routine morning business, or at the earliest practical moment thereafter, I will submit some remarks on the modern Damon and Pythias and correlated subjects pertaining to current American politics.

Mr. GALLINGER. I move that the Senate adjourn.
The motion was agreed to, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 21, 1912, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 20, 1912.

COLLECTOR OF CUSTOMS.

Herbert W. Hawes to be collector of customs for the district of Wiscasset, in the State of Maine.

APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

To be second lieutenants.

Daniel Edward Murphy.
Kenna Granville Eastham.
James Powers Yancey.
George Elmer Arnemann.
Raymond Eugene McQuillin.
De Forest Willard Morton.
Francis Clinton Vincent Crowley.
George Everett Adams Reinburg.
George Herbert Timmins.
Daniel Allman Connor.
Clarence Donald Lang.
Philip Coldwell.

FIELD ARTILLERY ARM.

To be second lieutenants.

Percy Deshon.
Julian Francis Barnes.
Harold Cornelius Vanderveer.
Cliff Andrus.

INFANTRY ARM.

To be second lieutenants.

Matthew John Gunner.
James Ripley Jacobs.
Robert Scott Lytle.
Henry Terrell, jr.
Thomas James Camp.
Frank Cadle Mahin.
Lawrence Sprague Churchill.
Dale Francis McDonald.
Paul Kimball Johnson.
Edward Hiltner Bertram.
Hayes Adlai Kroner.
Allen Stuart Boyd, jr.
Bruce Wedgwood.
Harry Lewis Twaddle.
John Henry Harrison.
Clarence Leonard Tinker.
William Robert White.
Donald Bridgman Sanger.
Martin Francis Scanlon.
William Hanson Gill.
Lee Hayne Stewart.
Harry Gantz.
Herbert Edward Pace.

PROMOTION IN THE ARMY.

INFANTRY ARM.

Capt. William P. Jackson, to be major.

POSTMASTERS.

CALIFORNIA.

Charles H. Bartholomew, San Diego.
Ernest L. Blanck, Fellows.
Clarence Edwin Kendrick, Barstow.
Harry E. Meyers, Yuba City.

FLORIDA.

Morgan E. Jones, Miami.

ILLINOIS.

Winfield S. Pinnell, Kansas.

MINNESOTA.

Frank L. Walker, Alden.

PENNSYLVANIA.

Fred V. Balch, Galetton.
Ida M. Kaye, Monaca.
John H. Martin, Clearfield.
John Roland, New Holland.
Thomas Stephens, Coopersburg.
Bert L. Venen, Springboro.

HOUSE OF REPRESENTATIVES.

MONDAY, May 20, 1912.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the source of life, the fountain of wisdom, the inspiration of all good, renew our life, imbue us plenteously with wisdom, and fill our hearts with purity that we may choose wisely, act nobly, that our work may be well pleasing in Thy sight and redound to the good of mankind. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous Consent Calendar day, and suspension of the rules, and so forth.

REMOVAL OF RESTRICTION FROM LANDS OF ALLOTTEES OF THE FIVE CIVILIZED TRIBES.

The first business on the Calendar for Unanimous Consent was the bill (S. 4948) to amend an act approved May 27, 1903, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

The SPEAKER. Who is in charge of this bill? The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 9 of the act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," be amended by adding at the end thereof the following: "This section shall apply to the lands of all deceased allottees who died prior to the passage of this act," so that section 9 of the said act as amended will read as follows:

"Sec. 9. That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land—

Mr. STEPHENS of Texas. Mr. Speaker, this is quite a long bill, and I ask unanimous consent that we discontinue the reading of the bill until the gentleman from Oklahoma [Mr. CARTER] appears. This is his bill, and it is desirable that he be present when the bill is considered.

The SPEAKER. There are only a few more lines, and the reading can be finished now and save trouble hereafter.

The Clerk concluded the reading of the bill, as follows:

Provided, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee: *Provided further,* That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March 4, 1906, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior in the manner provided in section 1 hereof, for the use and support of such issue during their life or lives, until April 26, 1931; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from all restrictions; if this be not done, or in the event the issue hereinbefore provided for die before April 26, 1931, the land shall then descend to the heirs according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: *Provided further,* That the provisions of section 23 of the act of April 26, 1906, as amended by this act, are hereby made applicable to all wills executed under this section. This section shall apply to the lands of all deceased allottees who died prior to the passage of this act.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to pass over this bill informally without prejudice until the gentleman from Oklahoma [Mr. CARTER] comes in.

Mr. MANN. I understand that passes it over for the day.

Mr. STEPHENS of Texas. I would rather have it passed over to-day than to have it called up in the absence of the gentleman from Oklahoma [Mr. CARTER].

BRIDGE ACROSS THE MISSOURI RIVER, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (S. 6160) to allow the Great Northern Railway Co. to construct a bridge across the Missouri River, in the State of North Dakota.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Great Northern Railway Co., a corporation organized and existing under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near the mouth of the Little Missouri River, and not farther south than the south line of township 147 north or farther north than the north line of township 148 north, of the fifth principal meridian, in the State of North Dakota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE YELLOWSTONE RIVER, MONT.

The next business on the Calendar for Unanimous Consent was the bill (S. 6161) to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the county of Dawson, State of Montana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Great Northern Railway Co., a corporation organized and existing under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Yellowstone River, in the county of Dawson and State of Montana, at a point suitable to the interests of navigation, and not farther south than the south line of township 21 north of the Montana principal meridian, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 7, by striking out the comma after the word "River," and striking out all of lines 8, 9, and 10, and the words "Montana principal meridian," in line 1, page 2, and inserting in lieu thereof the following: "At a point suitable to the interests of navigation, to be selected by the said company and approved by the Secretary of War, either in Mackenzie County, N. Dak., or Dawson County, Mont."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

INCREASE OF PENSIONS TO MEXICAN WAR SURVIVORS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14054) to increase the pensions of Mexican War survivors in certain cases.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the rate of pension to survivors of the Mexican War who are now on the pension roll, or who may hereafter be placed thereon, under the acts of January 29, 1887, March 3, 1891, February 17, 1897, and February 6, 1907, shall be \$30 per month.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. RUSSELL. Mr. Speaker, as I understand it, the general pension bill that was recently passed includes the same provisions as are included in this bill, and that being true I do not see any use in passing this bill.

Mr. MANN. I will say to the gentleman that this bill provides for a pension of \$30 per month to Mexican War veterans.

Mr. RUSSELL. And under the bill that has been passed they will get \$30 per month.

Mr. MANN. Not unless they were of a certain age and had served two years.

Mr. FOSTER. Not unless they had served 60 days. It says "60 days."

Mr. MANN. I know, but not at \$30 a month.

Mr. FOSTER. Yes; \$30 a month.

Mr. MANN. To Mexican War veterans?

Mr. FOSTER. Yes; all Mexican War veterans who have served 60 days will receive \$30 a month.

Mr. SULLOWAY. Mr. Speaker, Mexican soldiers who served 60 days are entitled to \$30 a month without reference to age.

Mr. GARNER. That is under the general bill, which applies equally to the veterans of the Mexican War and the Civil War. Mr. Speaker, may I interrupt the gentleman from Missouri?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Texas?

Mr. RUSSELL. Yes.

Mr. GARNER. The same rule in the law recently passed, known as the Sherwood bill, applies to the veterans of the Mexican War as to those of the Civil War.

Mr. RUSSELL. My understanding is that Civil War soldiers must have served 2 years and be 75 years of age to be entitled to \$30 per month, but only 60 days in the case of the Mexican

War soldiers; all of the survivors of that war are now over 75 years of age.

Mr. MANN. Is it not \$30 a month?

Mr. FULLER. It is \$30 a month to all Mexican soldiers in the law that was recently passed.

Mr. GARNER. There are mighty few of them left.

Mr. RUSSELL. Mr. Speaker, I think the provisions of this bill are already covered by the general bill.

Mr. MANN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to pass over this bill without prejudice. Is there objection?

There was no objection.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

The next business on the Calendar for Unanimous Consent was the bill S. 2117, an act to promote the efficiency of the Public Health and Marine-Hospital Service.

Mr. MANN. Mr. Speaker, without reading this bill, I would like to reserve an objection.

Mr. FOSTER. In the last Congress there was a bill passed the House increasing the efficiency of the Public Health and Marine-Hospital Service containing a provision, if I remember right, authorizing the Public-Health Service to issue certain bulletins and do certain work in addition to what they are already doing. I observe by this bill that all that provision contained in the bill which was introduced and passed at the time the gentleman from Illinois [Mr. MANN] was chairman of the committee is left out of this bill, so that there is no provision in it with reference to that matter whatever. I would like to ask the chairman if he can give some reason why that was not included?

Mr. ADAMSON. During the last session of Congress there were protracted and voluminous hearings on the subject of health before our committee. Under the lead of the gentleman from Illinois, then our able and distinguished chairman, we prepared a bill in the nature of a verdict made up by us as a jury on the trial of all the issues and put in everything that the committee was willing to put into it. We thought it was the best arrangement to promote the efficiency of the Public-Health Service already established and working so well, inasmuch as the representative of every department was willing that everybody else should be put into the Department of Health except his own bureau, but did not want his own bureau put in. But the committee unanimously reported and brought into this House the bill. Gentlemen on my side of the Houses, affecting to be more ultra-Democratic than I was, objected to it because it invaded private and local affairs, and they made a bitter fight on it.

Now, when we came to make up the bill this time we left out everything that had been fought. We put in only the provision to increase the salaries in order to endeavor to hold the surgeons and officers in the service. We thought that was necessary for the efficiency of the service, and we postponed the disputes about everything else for future bills.

Mr. FOSTER. So the gentleman's idea was that to increase the efficiency it was only necessary to increase the salaries of the officers to increase the service to the people of the United States?

Mr. ADAMSON. We had for a long time been considering the question of equalizing the salaries. Some complained that they did not get enough, that other departments outbid them, and took away the men whom they had trained. They begged us to increase the salaries enough to hold them, and we tried to do it in good faith because we believed that the plea was just. I am perfectly willing for every one of the other provisions to go into the bill. I did not want to bring them in and have a fight, and so we brought in the provisions that were uncontested.

Mr. FOSTER. There was no objection as far as the Marine Hospital was concerned to putting the provisions in?

Mr. ADAMSON. Oh, no. I am willing and they were to pass the bill just as the gentleman from Illinois and I agreed upon it, as it was passed through the House at the last session, but other Members are not.

Mr. FOSTER. The gentleman from Georgia remembers that the bill that was passed under the suspension of the rules by two-thirds majority had this provision in it, and so it could not have been a very severe fight.

Mr. ADAMSON. Well, they fought it pretty hard, with their tongues at least.

Mr. FOSTER. It passed under suspension of the rules.

Mr. ADAMSON. Yes; and I am willing to do it now.

Mr. FOSTER. I am sorry that the gentleman did not do it this time.

Mr. ADAMSON. I could not do it; I was not the boss; I only preside over my committee. [Laughter.] I do not run it entirely.

Mr. SIMS. Mr. Speaker, I want to say that I was opposed to the reporting of the bill without some increase in the work. I am not opposed to the increase in salaries.

Mr. ADAMSON. I will be candid and honest; if you pass this bill as it is, and the Senate will restore to it every provision in the Mann bill, I will not object.

Mr. FOSTER. The Mann bill was so important, so far as the public-health bureau is concerned, that it seems to me that this bill ought not to pass without those provisions.

Mr. ADAMSON. If the gentleman will ask unanimous consent to put them in I will not object.

Mr. FOSTER. I think the bill ought not to pass without that provision in it.

Mr. MANN. Mr. Speaker, reserving the right to object, this bill increases the salaries more than the Mann bill did in the last Congress, and leaves out the most valuable part of that bill. It is impossible, in my judgment, to consider this bill by unanimous consent, because it ought to be amended in order to make it more valuable to the country.

The SPEAKER. The gentleman from Illinois objects.

Mr. ADAMSON. Mr. Speaker, I want to say that I was conscious of the positions of the two gentlemen from Illinois, but I think it is due to the gentleman from Alabama, who reported the bill, and in my absence, when I was at home on leave of absence on account of sickness, placed it on the Unanimous Consent Calendar. The gentleman from Alabama reported the bill, and I was going to say, if I could have the opportunity, that he is absent from the city and I would like to defer action till his return.

The SPEAKER. There is nothing before the House, the gentleman from Illinois objects, and the bill will be stricken from the calendar.

INTERPARLIAMENTARY UNION FOR INTERNATIONAL ARBITRATION.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 19239) authorizing an appropriation for the Interparliamentary Union for International Arbitration.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to pay to the Secretary of State, out of any money in the Treasury not otherwise appropriated, the quota of the Congress of the United States as its contribution toward the maintenance of the Bureau of the Interparliamentary Union for the Promotion of International Arbitration at Brussels, Belgium.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to know what is sought to be accomplished by this bill.

Mr. BARTHOLDT. I will be glad to make an explanation in the absence of the chairman of the committee, Mr. SULZER. This bill authorizes an appropriation for the maintenance of the International Bureau of the Interparliamentary Union at Brussels, Belgium. It is a matter peculiarly our own. It is not an executive affair, it only concerns the national legislative bodies of the world. All the parliaments of the world are now represented in the organization, as is the Congress of the United States since the year 1904, and all the congresses, all parliaments are contributing toward the maintenance of that international bureau.

Two years ago the Congress provided for the first time an appropriation of \$2,500 as our share, which had been estimated in accordance with the population of this country, and this year when I offered an amendment to the diplomatic bill favorable to the proposition a point of order was made against it, but it was inserted in the Senate and it is now a law. So Congress has already appropriated twice for that purpose. This bill merely contemplates putting the authority of law behind such an appropriation, and is merely an authorization.

Mr. FITZGERALD. What does the bureau do that is of any value toward the promotion of peace?

Mr. BARTHOLDT. This bureau is conducting the affairs of the Interparliamentary Union.

Mr. FITZGERALD. What is that—a voluntary association of members of different parliaments?

Mr. BARTHOLDT. It is a voluntary association.

Mr. FITZGERALD. Then why should they not maintain their own headquarters?

Mr. MANN. Do not they have enough expenses to pay now?

Mr. FITZGERALD. No; I think not. They want Congress to appropriate \$50,000 to conduct the convention this year in the United States, and they have reported a bill for that purpose.

Mr. BARTHOLDT. Mr. Speaker, I think I can satisfy the gentleman on that point. The members of the national legislative bodies who belong to the Interparliamentary Union are paying out of their own pockets every year the expenses of travel to the locality where the union meets. That is a considerable personal sacrifice which these members make for the benefit of a great cause.

Mr. FITZGERALD. What have they ever accomplished?

Mr. BARTHOLDT. They have accomplished a great deal. That is a long story, Mr. Speaker. I think the Interparliamentary Union is responsible for the meeting of The Hague conferences, the first as well as the second, and The Hague conferences, to my mind, have accomplished a great deal. I think the gentleman is conversant with that.

Mr. FITZGERALD. Mr. Speaker, I shall not get into a controversy with the gentleman from Missouri as to the responsibility for the creation of The Hague conferences, but with a very slight modification this would make a permanent indefinite appropriation out of the Treasury of the United States toward the maintenance of this quasi official bureau.

Mr. MANN. Mr. Speaker, will the gentleman from Missouri yield?

Mr. BARTHOLDT. Certainly.

Mr. MANN. The gentleman does not expect or intend, if this bill shall be passed by the House, that it shall be amended in the Senate so as to make a permanent indefinite appropriation?

Mr. BARTHOLDT. No; that is not our intention.

Mr. FITZGERALD. I am not sure whether some enterprising gentleman may not construe this as making a permanent indefinite appropriation in any event.

Mr. BARTHOLDT. There is no such intention whatever.

Mr. FITZGERALD. I know, but Congress frequently unintentionally does things that could never possibly be done if we knew exactly what would happen afterwards. How many countries participate in maintaining this bureau?

Mr. BARTHOLDT. Twenty countries are now contributing.

Mr. FITZGERALD. That is \$50,000. What do they do with that money in this bureau?

Mr. BARTHOLDT. Mr. Speaker, I would like to make a further explanation, so that this matter may be understood.

Mr. FITZGERALD. But the gentleman says that 20 countries are contributing; and if they contribute the same as the United States, \$2,500—

Mr. BARTHOLDT. But they do not. That is our pro rata share, in accordance with the population of the United States.

Mr. FITZGERALD. Oh, then, as usual, the United States pays the lion's share of the expense.

Mr. BARTHOLDT. The United States pays about as much as Great Britain does, and France pays a little less, and Germany pays a little less, and, of course, the small countries, like Switzerland and Denmark and Norway, pay still less. Many of the parliaments of the other countries have gone so far as to even defray the traveling and other expenses of their delegates to these conferences.

Mr. FITZGERALD. That will be the next step here, if we go far enough. We are progressing a little every day.

Mr. BARTHOLDT. When that is suggested, I think we will consider it.

Mr. FITZGERALD. I think the gentleman has already suggested it. He introduced a bill, which has been reported favorably, to appropriate \$50,000 to transport the foreign and domestic representatives to this conference about the United States, and that comes about as near to paying the expenses of the delegates as we can go at this time.

Mr. BARTHOLDT. The gentleman is mistaken. It is not for transportation or traveling expenses at all. That appropriation of \$50,000 is asked for the purpose of extending the hospitality of the United States to five or six or seven hundred members of foreign parliaments who come here when the next conference is held, and I want to say that it will not be held this year.

Mr. FITZGERALD. I understand what that means. That puts it in a little nicer English. It is extending the hospitality to foreign visitors and paying the traveling expenses of those participating in the convention, both from this country and abroad.

Mr. BARTHOLDT. Of course I may be mistaken, but if small countries like Switzerland or Denmark or Holland or Belgium could entertain such distinguished visitors in a proper manner, I had an idea that probably the United States could afford to do the same thing.

Mr. FITZGERALD. I have no doubt it is a great benefit and will greatly further the civilization of other countries to have distinguished representatives of this body visit and sojourn in those countries indefinitely, if possible.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I object.

Mr. MANN. Mr. Speaker, will not the gentleman reserve his objection and agree to strike out of the bill the words "out of any money in the Treasury not otherwise appropriated," so that it would be only an authorization for an appropriation?

Mr. FITZGERALD. Mr. Speaker, in this Congress three or four bills have been called to my attention, and possibly there are others that have not been called to my attention, that have been introduced, the purpose of which, as stated in the reports, is to enable appropriations for specific purposes to be in order upon appropriation bills, appropriations which under the rules of the House are not now in order. I do not believe it is desirable to enact legislation that will make in order upon bills that carry annually the money necessary to maintain the Government appropriations for all sorts of enterprises which really have very little relation to the maintenance of the Government. That is the chief reason for my objection.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6848. An act authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6848. An act authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.; to the Committee on Interstate and Foreign Commerce.

STEAMSHIP "DAMARA."

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22907) to provide American registry for the steamer *Damara*.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the steamer *Damara*, rebuilt at San Francisco, Cal., from the wreck of the British steamer *Damara*, wrecked in the harbor of San Francisco and abandoned by her owners as a total wreck, to be registered as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the cost of rebuilding said vessel in the United States amounted to three times the actual cost of said wreck and that the vessel is wholly owned by citizens of the United States.

The SPEAKER. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects, and the bill will be stricken from the calendar.

STREET RAILWAY, SOUTH HILO, HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

The Clerk read as follows:

A bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

Be it enacted, etc., That wherever in this act the following words and phrases appear or are used they shall be held to have the following meaning, unless the context clearly indicates otherwise:

(a) "Association" shall mean and include Leland S. Conness, W. H. Johnson, and their associates and assigns, or such corporation as may be organized by them to take over and exercise the rights and privileges conferred by this act.

(b) "Governor" shall mean the governor designated as such in the organic act.

(c) "Superintendent" shall mean the person from time to time acting as the superintendent of public works of the Territory of Hawaii referred to in the organic act, or any lawful successor in power or duty.

(d) "Railway" shall mean the rails, tracks, roadway, with its appurtenances, appliances, and connections, and the poles and underground or overhead equipment, which may be placed in, along, or upon the highways, streets, roads, thoroughfares, and places on the island of Hawaii, under the provisions of this act.

(e) "District" shall mean that portion of the island of Hawaii which is included in the political subdivision known as the South Hilo district, as now defined in act 84 of the Session Laws of 1909.

(f) "Board" shall mean the board of supervisors elected for the county of Hawaii, and acting under the provisions of act 39 of the Session Laws of 1905 and all amendments thereto, or any lawful successor in power or duty.

SEC. 2. That, subject to the provisions, conditions, requirements, and limitations in this act contained, the right and authority is hereby

granted to the association to take over and exercise the rights and privileges conferred by this act; to construct, maintain, and operate a railway and railway system, for the transportation of passengers, freight, mail, and for other purposes, upon and along the streets, roads, and places hereinafter described and indicated, either of single or double track, or partly single and partly double track, with such curves, switches, turnouts, spurs, poles, wires, with underground or overhead conductors of power, and all equipment, appliances, and appurtenances as may from time to time be necessary or suitable for the efficient use and operation of a street railway system. The railway shall be laid, constructed, maintained, and operated upon and along the following streets, roads, and places in said district, namely:

(a) From a point on Front Street extension not over 2 miles from the county bridge across the Waioa River, along said Front Street extension, and along Front Street to its intersection with Waiuanue Street; thence mauka along Waiuanue Street and the extension thereof for a distance of 3½ miles; and along any road, street, or highway hereafter laid out or constructed between said Front Street extension and the water front.

(b) From a point on said Front Street extension over, across, and through the Government land of Waiakea, subject to existing leasehold rights therein, to any wharf or wharves hereafter constructed in Kulu Bay, upon such exact location as may be approved by the superintendent.

(c) From the intersection of Coconut Island Road with Front Street extension, along said Coconut Island Road to Wharf Street, and along any road or street now or hereafter laid out or constructed and leading from said Coconut Island Road.

(d) Along Wharf Street from its junction with Coconut Island Road to its junction with Front Street, and along the unnamed street leading from Wharf Street to Front Street extension parallel with the Waioa River.

(e) From a point on the Volcano Road not exceeding 1 mile on the Puna side of the Waiakea mill, along said Volcano Road to Volcano Street, and along said Volcano Street to its junction with Bridge Street, thence along Bridge Street to its intersection with Waiuanue Street.

(f) From the intersection of Waiuanue and Pitman Streets, along said Pitman Street to Wailuku Street, thence mauka along Wailuku Street to the junction therewith of Wainaku Road, thence along said Wainaku Road to Honolulu Gulch.

(g) Whenever the majority of adult persons who are bona fide residents within a distance of 500 feet from any street or road, or section of any street or road, in said district shall, in writing, petition the association to construct a railway upon or along said street or road, or section of street or road, and the governor shall approve thereof, such railway may be constructed thereon and thereafter maintained during the unexpired term of this franchise.

SEC. 3. That the motive power for the operation of said railway, for any and all purposes, shall be electricity, applied either by the overhead trolley system or the underground conduit system, or by storage batteries, or by such other method or methods as may be an improvement upon either, or the motive power may be supplied by compressed air or such other motive power as the association may from time to time elect, subject always to the prior consent and approval of the governor: *And provided also*, That the railway may be operated in part by one motive power and in part by another or others, with the consent and approval aforesaid: *And provided further*, That no car, engine, or other vehicle emitting smoke, steam, or offensive odors to such a degree as to be a public nuisance, or, with animals attached, shall be operated or used upon the tracks of the railway.

SEC. 4. (a) The railway, together with all its branches, parts, and connections, shall be thoroughly and substantially constructed according to the best modern practice, with rails level with the surface of the street where laid, and in such manner as to cause the least obstruction to the free use of the streets, roads, and places where laid; and the location in the streets shall be such as may be directed or approved by the board, subject to the provisions of this act.

(b) All passenger cars shall be of approved and modern construction for the comfort, convenience, and safety of passengers, and be provided with fenders and brakes, and in the case of cars weighing more than 30,000 pounds, with air brakes of the best pattern, with proper lighting and signaling appliances, and with proper numbers, route boards, or signs, all as shall be approved by the governor, which approval may from time to time be modified in accordance with the best engineering practice.

(c) The association shall pay all expenses and damages and save the Territory and any subdivision thereof harmless and indemnified from all loss, cost, damage, and expense occasioned by or arising from the construction, maintenance, use, and operation of the railway; and shall also make and pay for all grading, filling, paving, repairing, and other work occasioned by or required for the construction, alteration, maintenance, use, or operation of the railway and every part thereof.

And the association shall so provide for their electric current and provide such conductors thereof, and of return currents, that avoidable injury or deterioration shall not occur, nor be done to the water pipes, sewer pipes, gas pipes, or other property of the Territory, or of any political subdivision thereof, or of any person or corporation, and shall save the Territory and any such subdivision or any person or corporation harmless and indemnified from all loss, cost, damage, and expenses by reason thereof.

(d) In constructing or repairing said railway not more than one block shall be closed to traffic at any one time, and all established crossings shall be maintained or substitute crossings provided during the progress of the work, and the work in any block shall be carried on continuously until completed.

Whenever any road or street shall be less than 18 feet in width in surfaced roadway the track of the railway (except switches or turnouts) shall be laid as nearly as possible parallel with but not upon said surfaced roadway.

(e) The construction of the railway shall be commenced and, at least, the sum of \$20,000 shall have been expended or contracted to be expended within two years after the approval of this franchise by the Congress of the United States, and at least 2 miles shall be completed, equipped, and ready for the transportation of passengers within two years after such commencement.

Within 90 days after the approval of this act by the Congress of the United States the association shall execute and deliver a bond to the county of Hawaii in the sum of \$5,000, to be approved by the governor as to form and sufficiency, conditioned for such completion, equipment, and complete operation of at least 2 miles of said railway within said two years; and in case of a failure to comply with these requirements this franchise shall cease and be null and void.

At least 2 additional miles of the railway shall be completed, equipped, and ready for operation within six years from the approval of this franchise by the Congress of the United States, and in case of failure

to comply with such requirement the privileges granted by section 2 of this act shall cease as to any streets, roads, thoroughfares, or places not then occupied.

Provided, That if there is any period during which work shall be suspended by reason of actions, suits, or injunctions, impeding or delaying construction or use, the time so lost shall not be counted as part of the periods of limitations above specified.

(f) The tracks shall not exceed 4 feet 8½ inches in width between the rails, and the style of rail to be used, the manner and detail of track foundations, substructures, and construction shall be subject to the approval of the board: *Provided, however*, That the weight of such rails shall not be less than 56 pounds per yard and that the tracks shall be laid flush with the streets, and the paving, grade, and macadamizing of the entire space between the tracks, and between the outside rails of double tracks, if more than one track be laid, and for one foot outside of the outer rails, and switches, turnout, and sidings, and outside the rails wherever occupied by the track or substructure, shall correspond and be maintained at all times with the grade and character of paving, or macadam of the remaining portion of the street, except as otherwise directed by the board: *Provided, however*, That when the tracks shall be laid parallel to but not upon any surfaced roadway, the above provision relating to paving and macadamizing shall not apply. The board may in writing require any work to be done or repairs made to conform to the requirements of this section, and the same shall be made by the association within a reasonable time from the receipt of such order.

(g) Whenever it shall be necessary to cross the tracks of any other railway or railroad, the association may construct and lay down, at their own expense, proper crossings and intersecting tracks, laid in a substantial and workmanlike manner and according to the best engineering practice, removing the rails so crossed for that purpose; but such removal and construction shall be so done as to interfere as little as possible with the traffic of such other railway or railroad; and after such crossings are laid the expense of maintenance thereof shall be borne equally with the owners of said track.

(h) Trolley wires shall be of a height of not less than 16 feet above the street. All guard wires above and on both sides of the trolley wire shall be such as the board may deem expedient or necessary. The size and location of such wires and the manner of supporting them shall be subject to the approval of the board.

SEC. 5. That the association at all times shall maintain and operate such number of cars upon the railway for the carriage of passengers as the public convenience may require.

SEC. 6. That the board, with the approval of the governor, from time to time may make reasonable general rules governing the speed at which cars may be operated, and with like approval may make reasonable special rules of similar character for particular sections of the district; for each violation of any such rule the association shall be subject to a fine of not more than \$100, to be recovered in the district court of South Hilo, at the suit of the county attorney of the county of Hawaii, or its successor, or any other person to the use of the county of Hawaii, or its successor: *Provided, however*, That nothing herein contained shall be construed as exempting the association from liability for loss, damage, or injury to persons or property occasioned by the association in operating its railway, whether the rate of speed of cars shall or shall not be in excess of the limits prescribed in such rules.

SEC. 7. That the association may charge, as rates of fare for transportation of passengers upon the cars of the railway, the following: For a continuous trip anywhere between any two extreme points within a radius of 3 miles from the intersection of Front and Waiānue Streets, not to exceed the sum of 5 cents: *Provided*, That children under 17 years of age, going to and from school, shall not be required to pay over half fare, for which purpose tickets shall be sold: *And provided further*, That children under 4 years of age, accompanied by a person paying fare, shall be allowed to ride free. Rates of fare outside of such radius may be fixed from time to time by the association, subject to the approval of the governor.

Upon a continuous trip persons riding upon the cars shall be entitled to receive transfers from one car to another within the radius above mentioned at any point or points where one line of the railway connects with, crosses, or intersects any other line thereof without the payment of extra fare for such transfer: *Provided*, That such passenger shall take the first available car passing the transfer point for which such transfer has been issued.

Policemen, firemen, and letter carriers, when on duty and in full uniform, shall be entitled to free passage over any of the lines of the railway.

The association, its agents, and employees in charge of any car may refuse passage to any person or persons who refuse to pay the lawful fare, to any drunken, disorderly, or diseased person or persons, or vagrants or criminals, and may eject with force, if necessary, any such person or persons from the car.

If the association, or any agent or employee thereof, shall demand or charge a greater sum of money for fare on the cars of the association than that fixed by this act the association, such agent, or employee shall forfeit to the person thus overcharged the sum of not more than \$100 nor less than \$25, to be recovered in a civil action in any court having jurisdiction thereof.

Upon the trial of an action for any of the sums forfeited as provided above, proof that the person demanding or receiving the money as fare or for the sale of a ticket was at the time of making the demand or receiving the money engaged in an office of the association, or on any vehicle belonging to it, shall be prima facie evidence that such person was the agent, servant, or employee of the association to receive the money and the ticket mentioned.

SEC. 8. That the association, with the approval of the governor, shall make reasonable and just regulations regarding the operation of the railway, and on failure of the association to make the same within a reasonable time after the receipt of written notice from the governor so to do the board, with the approval of the governor, may make such regulations. All regulations may be changed from time to time as the public interests may demand, at the discretion of the governor.

The cars lawfully occupying and using the railway shall have the right of way upon its tracks, with due regard and warning to other vehicles and to pedestrians, except that in case of fire such right shall yield to fire engines and patrol, and in cases of emergency to the police authorities.

SEC. 9. That the entire plant, system, tracks, rolling stock, poles, wire, conduits, and other apparatus of the association shall at all times be subject to inspection by the board or its representative designated for that purpose.

SEC. 10. That the association shall also have the power to acquire, construct, maintain, and operate at such place or places as may from time to time be deemed necessary, adequate power stations or houses

and such other buildings and structures as may be convenient, necessary, and desirable for the conduct of its business, and may install and use therein machinery for such purpose.

SEC. 11. That the association may acquire, take, hold, sell, or otherwise dispose of any property, real, personal, or mixed, deemed necessary, convenient, desirable, or incidental to the proper conduct of its business and shall have the power to borrow money when deemed expedient, and secure the payment thereof, with interest, by mortgage or by the issuance of bonds secured by deed of trust, of all or any portion of its property and the franchises and privileges granted or obtained by virtue of this act or otherwise, together with all future acquired property, as well as income and receipts from whatsoever source derived, in such form and under such terms as may be deemed advisable. Nothing herein contained, however, shall operate to prevent the association from obtaining the usual business credits and making promissory notes without security.

SEC. 12. That the association shall have the right to condemn lands, leaseholds, and other property for sites for power stations, or houses and buildings, and for rights of way for poles, lines, wires, cables, conduits, pipe lines, flumes, and other appliances for the generation, transmission, distribution, and supply of electricity, railways, tracks, and other like purposes necessary for the full enjoyment, operation, construction, and maintenance of the railway system authorized or permitted under the terms of this act, and all proceedings therefor shall be as near as may be in accordance with the provisions of chapter 64 of the Revised Laws of Hawaii, and all amendments thereto now or hereafter made.

SEC. 13. That any person who shall willfully or intentionally injure, molest, or destroy any of the poles, lines, wires, or other appliances, railway, tracks, or the material or property belonging thereto, or shall without permission or authority of the association connect or cause to be connected by poles, wires, or any device anything with the wires, cables, or conductors of the association, for the purpose of obtaining current for light, heat, or power, shall be guilty of a misdemeanor, and upon conviction thereof in any court having jurisdiction thereof, shall be punished by a fine not exceeding \$100, or by imprisonment not exceeding six months: *Provided, however*, That nothing herein contained shall be deemed to affect the right of the association to recover by action at law damages for any injury done by such unlawful action.

SEC. 14. That whenever the association refuses or fails to do or perform or comply with any act, matter, or thing requisite or required to be done under the terms of this act, and shall continue so to refuse or fail to do or perform or comply therewith after reasonable notice given by the governor to comply therewith, unless other provision is herein specifically made, the board shall, with the consent of the governor and the attorney general, cause proceedings to be instituted before the proper tribunal to have the franchise granted by this act, and all rights and privileges granted thereunder, forfeited and declared null and void.

SEC. 15. That the rights, privileges, and franchises hereby granted to the association shall continue until the expiration of the term of 50 years from the date of the approval of this act by the Congress of the United States, subject only to the limitations in this act contained.

SEC. 16. That all property of every kind and nature forming or used as a part of the railway and power system of the association, including this franchise, shall be exempt from any and all taxation under the laws of the Territory of Hawaii until the expiration of 10 years from and after the approval of this act by the Congress of the United States.

SEC. 17. That the association shall, within one month after the expiration of each calendar year, file with the board a detailed statement showing all of its receipts and expenditures during the preceding calendar year; and all of its books, papers, records, and accounts shall, at all reasonable times, be open to inspection by the governor, the board, and their respective agents appointed for such purpose.

The association shall not issue stock, nor shall it incur indebtedness, to an amount in excess of the actual cost of its property and 10 per cent in addition thereto.

The association shall pay each year to the county of Hawaii, or such other political division as the legislature shall from time to time indicate, an amount equal to the amount, if any, which it shall pay in dividends in excess of 8 per cent for that year upon its capital stock, and in any event shall so pay each year, after 10 years from the approval of this act by Congress, not less than 1 per cent of its gross receipts.

SEC. 18. That this franchise may at any time be amended or repealed by the Congress of the United States or by the Legislature of the Territory of Hawaii, with the approval of the Congress of the United States; and the rights, privileges, and powers by this act conferred shall not be construed to be exclusive.

SEC. 19. That the Territory of Hawaii, the county of Hawaii, or any political subdivision thereof, within or including the district of South Hilo, may at any time after the expiration of 20 years from the date of the approval of this act by the Congress of the United States, and upon six months' notice in writing to the association, given pursuant to proper authority, acquire by purchase all the property of the association, subject to the then existing charges thereon. The amount to be paid to the association for such purchase shall be determined by a commission of three persons, one to be appointed by the association, or in case it should fail to do so within 30 days after requested to do so by the purchaser, then by the chief justice of the Supreme Court of Hawaii, one by the purchaser, and the third by the two so appointed, or in case they should fail to agree upon the third member within 30 days, then by said chief justice, but such amount shall in no case exceed the actual cost of the property and 20 per cent in addition thereto, less the charges thereon.

Either the association or the purchaser may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents, and evidence upon which the decision of the commission was based and a copy of such decision. Upon any such appeal the supreme court may, in its behalf, take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price, as aforesaid, the same shall be paid to the association.

SEC. 20. That this act shall go into effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States,

such approval to be secured within four years from the date of this act becoming law.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BUCHANAN. Mr. Speaker, reserving the right to object, I want to know something about the time limit of this franchise. How long does it run?

Mr. FLOOD of Virginia. I did not hear what the gentleman said.

Mr. BUCHANAN. I desire to know the limit of time for this franchise.

Mr. FLOOD of Virginia. Well, they have to begin work in one year.

Mr. BUCHANAN. How long does this franchise continue?

Mr. FLOOD of Virginia. Fifty years.

Mr. BUCHANAN. I see here in one section:

That the association may acquire, take, hold, sell, or otherwise dispose of the property, real, personal, or mixed, deemed necessary, convenient, desirable, or incidental to the proper conduct of its business.

Mr. FLOOD of Virginia. From what section is the gentleman reading?

Mr. BUCHANAN. Section 11.

Mr. FLOOD of Virginia. What is the gentleman's question?

Mr. BUCHANAN. I object to giving that right and I object to giving the franchise for that length of time, and therefore I object to the consideration of the bill.

The SPEAKER. The gentleman from Illinois objects.

Mr. FLOOD of Virginia. Could the gentleman reserve his objection?

Mr. BUCHANAN. I will reserve my objection.

Mr. FLOOD of Virginia. Mr. Speaker, this bill, if the gentleman has followed it, is hedged about by as many conditions as any bill that ever granted a franchise. Here is a town of about 7,000 people and this company proposes to build an electric railway line for the benefit and convenience of these 7,000 people. I do not know in this country of any town of 7,000 people that has no interurban connections that can get an electric line built in it. This franchise allows this company to make 8 per cent on their capital actually invested, and of all above the 8 per cent 75 per cent goes to the county of Hawaii and 25 per cent to this company. The only grant in here that is liberal is the one for 50 years, and it does seem to me, considering the benefits to accrue from this franchise to the people of this little town, that the gentleman may forego his right to object upon a proposition that is considered proper by everybody who is charged with the duty of legislating for those people.

This bill, when introduced in the House, had already been passed by the Legislature of Hawaii and had received the approval of Gov. Frear and the general public of the Territory. It is intended to provide cheap transportation for the town of Hilo, the second city of Hawaii. At the present time the only means of communication is by Japanese bus or hack, the lowest rate being 15 cents, and from that up to 75 cents, for the service which will be given by a street-car company for a single 5-cent fare.

While the bill had received the approval mentioned above, at the suggestion of Gov. Frear a number of amendments have been made for the purpose of safeguarding the public interests. One of the most important of these limits the amount of stock which may be issued to that paid for in cash and \$50,000 additional. This effectually prevents the watering of stock, which has been done in so many cases of similar companies. In addition to this, the franchise virtually limits the dividends upon the stock to 8 per cent. Should the company pay over that amount, it must pay to the Territory three times the sum so paid to its stockholders. Another amendment of importance forces the company to extend its lines in any desired direction in case it shall be shown to the satisfaction of a designated board that the company, with such extension, will be able to pay this 8 per cent dividend. The force of these two amendments results in the restriction of the dividend paid, while the amount of capital stock can not be increased save by the issuance of more stock which must be paid for in cash. All features of the new forms of franchise acts, as they have been adopted in various cities in the United States in recent years, are included in this franchise.

According to the census of 1910 the town of Hilo had 6,745 inhabitants. The town is alone and without surrounding towns to which connection might be made, and only the fact that water power for the generation of electricity may be obtained enables the construction of a street railroad. There is no town in the United States of the size of Hilo, and without interurban connections, which is supporting a street-railroad system. For this reason the term of 50 years, which is the ordinary length of street-car franchises, is short rather than long. A shorter

term, combined with the restriction of capital stock and of dividends, would prevent the financing of the system.

The equipment and construction, as called for under the franchise, is first class in every way, and the company is required to make all such repairs and improvements as may be reasonably called for by the Government. It is further provided that the system may be bought by the Government at the end of 20 years at a price not to exceed the actual cost plus 20 per cent. One year is allowed for the completion of the financial arrangements before construction starts, and four years for the completion of 4 miles of track, which will be ample for the town under existing conditions.

Within the year it is expected that the large section of Government land now under lease and located about 2 miles from Hilo proper will be open for homes. At the present time at existing prices it is practically impossible for a man in moderate circumstances to buy a home in Hilo. With cheap transportation a poor man could buy one of these Government lots, erect a small house, and thus own his home, being able to travel back and forth to his work for 10 cents a day. Without a street-railroad system this would cost him a minimum of 30 cents a day with a maximum of a dollar, which would render the transportation charge so high as to effectually prevent his taking up the land. A further reason for a street-car system comes in the fact that there is now under construction a new deep-water wharf, located 2 miles from the Hilo post office, for which quick and cheap transportation will be necessary. The Hilo Board of Trade, in a meeting held in February, passed special resolutions indorsing the street-car franchise, and especially that section permitting the system to carry freight. A line of the Hilo Railroad Co.—steam-car service—will run to these new wharves, but it was felt that the competition of the street-car company in the handling of freight would make sure cheap rates and good service.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Pennsylvania?

Mr. FLOOD of Virginia. Yes.

Mr. MOORE of Pennsylvania. Is it not true that one of the purposes of building this railroad is to enable the workmen who live in the town and whose employment would be at the water terminus to go back and forth without paying the charges they now have to pay for conveyance?

Mr. FLOOD of Virginia. That is true.

Mr. MOORE of Pennsylvania. And is it not essentially an advantage to the men who derive their bread and butter from this Government contract on the coast and who must necessarily go back and forth to the town, some miles away, and who now, if they ride, must ride in vehicles for which they are charged at the rate of 25 or 50 cents per head?

Mr. FLOOD of Virginia. It is even stronger than the gentleman suggested.

Mr. CANDLER. If the gentleman will permit, I was there, and my recollection is I paid 50 cents.

Mr. FLOOD of Virginia. There is, as I have just said, a large tract of land between the thickly inhabited part of the town of Hilo and where they are going to build the new wharf. That land is Government land and at present under lease; in a short time the lease will expire and it is the purpose to open this land up to small settlers, to laborers at this wharf and laborers in the town. Now, these men if they have to go to work in this thickly settled part of the town or at the wharf have to pay a transportation cost at present of from 30 cents to \$1 for a round trip. This road will transport them back and forth for 10 cents a round trip. I was going on to say, every person who has had to deal with this matter—the Legislature of Hawaii, the governor of the Territory, the Delegate representing it, and the Committee on Territories, after long and arduous labor and careful consideration of this measure—has indorsed it.

Mr. FITZGERALD. Has the gentleman ever been to Hilo?

Mr. FLOOD of Virginia. I have never been there.

Mr. FITZGERALD. Does the gentleman think they can make 8 per cent on a railroad built there?

Mr. FLOOD of Virginia. I have never been there, but I should think it is extremely doubtful. I think the men who are financing this enterprise are taking a great risk and I think if we turn down this bill we are not acting in the interest of the people of Hawaii, because here is a proposition to give them cheap transportation facilities which they could not get without some measure of this kind.

Mr. CONNELL. Mr. Speaker, I trust the gentleman from Illinois will not insist upon his objection to this bill. I think the very best answer that can be made to his objection is the fact that it means a development along the line of American

ideas in every way on that island, and I ask to read from the report of the committee, which epitomizes the whole matter, which, I think, will be satisfactory to the gentleman from Illinois.

The necessity for a street railway in Hilo, Hawaii, which is a town of but 7,000 inhabitants, according to the census of 1910, arises from two facts—that the various sections of the town lie far apart and public transportation at present may only be had by Japanese bus or by hacks at high rates, and the fact that a cheap means of transit is necessary to connect with new Government wharves which are being constructed 2 miles from the town proper. In the latter case, under the terms of this bill, the fare will be but 5 cents as against a minimum of 25 cents under present conditions. In addition to this, the installation of a street-railway system will give easy access to a large tract of Government land which may by this means be developed for residence and homesteading purposes and which otherwise would be almost impossible to settle on account of the lack of transportation facilities. The franchise is one which was approved by the Legislature of Hawaii with but one dissenting vote and received the official approval of the governor of the Territory.

If the gentleman will examine the report he will find that this franchise is hedged about as carefully as legal ideas or an honest consideration of the development of that country can possibly make it.

Mr. BUCHANAN. What is the gentleman reading from?

Mr. CONNELL. I am reading from the report of the committee on this bill.

Mr. BUCHANAN. Does this bill provide any limit of charges? I have not noticed any limitations.

Mr. CONNELL. No; it does not provide any limit of charges, but that follows in the development of the railroad. It does provide, however, that if all the things to be done under this franchise are not lived up to in every particular it may be repealed.

Mr. BUCHANAN. Mr. Speaker, I never saw a company yet looking for a franchise, no matter how profitable it was, that they did not do it under the cover of benefit to the public in that locality. They usually use the working people for a buffer in many of their schemes to secure franchises. I am willing to concede that my colleagues who have considered this probably know more about it than I do. But I want to say, a 50-year franchise sounds to me as though it is a dangerous proposition to concede to any company. I believe that is too long a time.

Mr. FLOOD of Virginia. I will ask the gentleman this question: If there is a town of 7,000 people in his community, with no interurban connection, that has a street railway of the character of the one in this bill?

Mr. BUCHANAN. I want to say to the gentleman in this connection, that we are putting electric lines all through the country, and he knows as well as I do that the companies to whom are granted those franchises and operate those street railways claim that they are doing it for public good, and collecting dividends on watered stock for the benefit of the public.

Mr. FLOOD of Virginia. This provides there can be no watered stock. You have not read this bill.

Mr. BUCHANAN. I have just listened to the Clerk read it.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. FITZGERALD. I wish to make this statement: I am not familiar with the terms of the bill, but five years ago I was in the Hawaiian Islands. The town of Hilo is the only town on the island of Hawaii, the largest island of the group. I think in 20 minutes to half an hour I walked all over this little community. It had an open roadstead. Back in the country are sugar plantations, and they are also attempting to raise coffee on one side of the island. The Government has built a breakwater in order to make the harbor safe. Conditions are such that before the breakwater is built vessels must lie there, with steam up, and during the prevailing storms must go to sea.

The Government wharf is being built at that breakwater. So far as I am personally concerned, if anybody would be willing to put money into a street railway in that community in the hope that he would ever make money out of it, I think it would be such a benefit to the community, and its prospects would be so slight, that I would give him a franchise without any restrictions. There is no possible great development there. It is a small, insignificant town. They say there are 7,000 inhabitants, but I think its population is from 7,000 to 10,000. The gentleman from Kansas [Mr. CAMPBELL] and myself walked all over this community in half an hour one evening after dinner. Were it not for the fact that the dock is to be built off the breakwater, about 2 miles away, I do not think it would be possible to find enough places to which to run this railway in order to get people who would ride.

I am not familiar with the terms of the bill, but if anybody can be encouraged to put money into transportation facilities

on these islands, I think we should help them as far as possible to do.

Mr. LEWIS. Mr. Speaker—

The SPEAKER. Does the gentleman from Illinois [Mr. BUCHANAN] yield to the gentleman from Maryland [Mr. LEWIS]?

Mr. BUCHANAN. Yes.

Mr. LEWIS. Mr. Speaker, I think legislation of this sort ought to pass. It ought, however, to receive the same sort of attention as if it were a franchise being granted to a corporation in the city of Washington, under our tutelage and care. There are two propositions involved in the measure that would come in for the first order of consideration if this were a home subject. The first is, whether the capitalization may be watered. The second is on the question of the rates of fare to be charged, and who should have the whip hand in determining those rates—the Government or the grantee of the franchise. I have two amendments, which I purpose offering if that state be reached, looking to the improvement of the bill on those lines.

First, now, in regard to watered stocks, there is no minimizing the circumstance that in this country we have reached an aggravated condition with regard to the so-called fictitious capitalization of public utility corporations. I wish to challenge the statement by any Member of this House that the privilege of watering stock and bonds is a privilege of real value even to capital. It has been a curse to the public welfare. It is true this bill provides—

Mr. FLOOD of Virginia. May I interrupt the gentleman?

Mr. LEWIS. In just a moment. It provides that the stock may be watered to the extent of \$50,000.

Mr. FLOOD of Virginia. I would like to interrupt the gentleman.

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from Virginia [Mr. FLOOD]?

Mr. LEWIS. I do, with pleasure.

Mr. FLOOD of Virginia. After we get the bill up the gentleman will have an opportunity to offer his amendments, and we will then consider them. The question now is whether the bill will come up by unanimous consent.

Mr. LEWIS. I hope the House will give consent to its consideration, because it is an outrage to deny the people of Hawaii the government we have taken away from them. We ought to give them the privilege of a hearing.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. YOUNG of Kansas. Will the gentleman yield?

Mr. BUCHANAN. I yield.

Mr. LENROOT. If the gentleman withdraws his objection, I simply wish to reserve one.

Mr. YOUNG of Kansas. Mr. Speaker, while this bill was being considered in the committee I took the very position the gentleman from Illinois [Mr. BUCHANAN] now takes relative to the length of time of the franchise proposed to be granted to this company or corporation—which is 50 years, and entirely too long a period. I maintained that position until I was entirely satisfied that the committee had amended the original bill and so hedged it about with all the safeguards that it was possible for the ingenuity of the committee to invent for the protection of the people of the town of Hilo, and that the people would be entirely protected in every way, including the regulation of the charges for fares, the same being limited to 5 cents, and that the earnings of the company could not be above a fair rate, which is stipulated in the bill to be 8 per cent; and a fair share of the earnings above that rate should be for the benefit of the city. The bill being thus safeguarded and it appearing from the evidence before this committee, which was to the effect that the bill, being so safeguarded that the enterprise could not be successfully financed with a shorter term of the franchise, and while I am very much opposed to the granting of a franchise generally for so long a period, yet under the peculiar conditions existing upon the Hawaiian Islands, as shown by the hearings of the committee, I am of the opinion now that to make the franchise less in time than stated in the bill, with it hedged about as has been done and fully safeguarded, it would be equivalent to denying the people of that locality the street railway that they desire, for I am firmly of the belief that the project could not be financed if the time of the franchise was lessened; and I hope the gentleman from Illinois [Mr. BUCHANAN] will withdraw his objection.

Mr. CANDLER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Mississippi?

Mr. BUCHANAN. Yes; I yield to the gentleman.

Mr. CANDLER. Mr. Speaker, I simply want to state to the House and to the gentleman from Illinois that I had an opportunity at one time to be in this little city of Hilo, and the conditions as stated by the gentleman from New York [Mr. FITZGERALD], the chairman of the Committee on Appropriations, practically exist there. The statements made in the report of the committee, I can state from my personal knowledge, are substantially, if not absolutely in toto, true and correct. Therefore it seems to me that if the people of this community, this small place of 7,000 people, are willing to invest their money in an enterprise for their own development and for the development of their community and the surrounding country, they at least ought to have an opportunity to do so, especially in view of the fact that the legislature of the islands of Hawaii has passed this bill practically unanimously—as I understand it, with but one dissenting vote—and it has been approved by the governor of the islands, and certainly it is a matter that should have the consideration of the Congress of the United States, when those people can not act and can not move without the approval of Congress. To deny them the right even of consideration in the House of Representatives, it seems to me, is not a rule which should be applied to a bill of this character.

As stated by several members of the committee, it has been hedged about by every possible means, and so far as the limitation of the charter is concerned, limiting its existence to 50 years, we have charters in perpetuity in many of the States of the Union, and there are few, if any, States that grant charters requiring less than 50 years. I think that provision is sufficient, and therefore I hope the gentleman from Illinois [Mr. BUCHANAN] will at least withdraw his objection and permit the House to consider the bill.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from California?

Mr. BUCHANAN. Yes.

Mr. RAKER. I would like to ask the chairman of the committee a couple of questions in regard to the matter. What is the kind and character of the capital that is going into this enterprise?

Mr. FLOOD of Virginia. It is money. [Laughter.]

Mr. RAKER. Is that as definite and intelligent an answer as the gentleman expects to give to the question?

Mr. FLOOD of Virginia. It is as intelligent as the question.

Mr. RAKER. Mr. Speaker, under those circumstances, I object to the consideration of this bill.

The SPEAKER. The gentleman from California objects.

Mr. FLOOD of Virginia. That is in keeping with the gentleman's conduct—to defeat a great public enterprise because he is angry with me.

Mr. RAKER. Mr. Speaker, I am not angry with my distinguished colleague from Virginia, and to assure him that he has misjudged me I withdraw my objection.

The SPEAKER. The gentleman from California [Mr. RAKER] withdraws his objection.

Mr. RAKER. I asked the gentleman, plainly and fairly, what kind and character of capital is going to be invested in this enterprise, meaning, undoubtedly, whether it was American capital or foreign.

Mr. FLOOD of Virginia. I am not prepared to answer. I made all the inquiries I could in reference to that, and my opinion is that the bulk of it will be American capital. I was informed by the gentleman from Georgia [Mr. BRANTLEY] that friends of his in Baltimore would be willing to finance this franchise if it was granted in the way it was asked for by the Legislature of Hawaii. We have put on a number of restrictive amendments since then, and my opinion now is that it would be a combination of Hawaiian and American capital that would build the railroad.

Mr. RAKER. What I wanted to know, Mr. Speaker and gentlemen of the committee, was whether or not the Japanese Government or any other Government was interested, through their agents, in building this railroad.

Mr. FLOOD of Virginia. I am satisfied that neither the Japanese Government nor Japanese capital is interested in this enterprise.

Mr. RAKER. I want to say that about 75 per cent of the residents of Hawaii are Japanese.

Mr. FLOOD of Virginia. Oh, the gentleman is mistaken about that.

Mr. RAKER. I am quite certain I am not mistaken. I have the Government report in which that statement is plainly made.

Mr. FLOOD of Virginia. Not 75 per cent?

Mr. RAKER. Practically from the report of the Department of Commerce and Labor, which has not been published yet, that statement is made, that 75 per cent of the residents of Ha-

wai are Japanese. I do not know why the report has not been made public, but I have a copy of it in my office, and I can show it if there is any question about it in this House.

Mr. FLOOD of Virginia. The gentleman is mistaken about that.

Mr. RAKER. I think not.

Mr. FLOOD of Virginia. It is true that a large proportion of the population are Japanese, and there may be some Japanese who will put their money in this franchise. I do not know about that. But the Japanese as a whole are not financing it. I understand that it is to be financed by American and Hawaiian capital combined.

Mr. RAKER. Now, Mr. Speaker, one other question, if the gentleman from Illinois [Mr. BUCHANAN] will permit. It is this: Whether or not the city of Hilo has any electric plant now? Has this city any electric plant?

Mr. KALANIANA'OLE. They have an electric-light plant.

Mr. RAKER. Owned by the city or by private individuals?

Mr. KALANIANA'OLE. By private individuals.

Mr. RAKER. Why could not the city take up the question of putting in a railroad and running it by electricity?

Mr. FLOOD of Virginia. I do not suppose the city would care to undertake it. They have not the money to do it. It is going to be a difficult matter to raise three or four hundred thousand dollars to build an electric railway line in a town of 5,000 or 6,000 people without any interurban connection.

Mr. SLAYDEN. Is it to be what we call an interurban line?

Mr. FLOOD of Virginia. No; there is no interurban line about it.

Mr. SLAYDEN. Is there any other line that would connect with it?

Mr. FLOOD of Virginia. There is not. The wharves are 2 miles from the town of Hilo. This road is going to be run between the town and the wharves, and we hope that the intervening territory will be built up. There is a large tract of Government land that will soon be thrown open for settlement between the town and the wharves, and it is the hope and expectation of the Hilo people that it will be taken up by the working people if they can get back and forth to this intermediate territory for the small sum of 10 cents for transportation both ways.

Mr. SLAYDEN. It is expected that they will get cheaper and more sanitary homes, is it?

Mr. FLOOD of Virginia. Very much cheaper, because they can not get any homes at all in Hilo at present. I presume they will be more sanitary, and they can get from their homes to their work under this proposition for a railroad for 10 cents a day, whereas now it costs them 30 cents or a dollar.

Mr. SLAYDEN. Will it cheapen the cost of transportation to the people in that community over what it is compared with present conditions?

Mr. FLOOD of Virginia. There is not the slightest doubt about that. The only method of transportation from the town of Hilo to the wharves, 2 miles, is by Japanese busses, and the cost is from 15 to 50 cents one way.

Mr. SLAYDEN. And under this proposition they will get one way for 5 cents?

Mr. FLOOD of Virginia. Five cents one way and 10 cents both ways.

Mr. HUMPHREYS of Mississippi. And it is Japanese money that is now invested in these busses.

Mr. LEWIS. How many miles of railway are necessary under this proposition?

Mr. FLOOD of Virginia. The bill provides that they shall build 4 miles within a specified time, and, in addition, if the board of supervisors of Hawaii think it is necessary to build more, the company shall build the additional road.

Mr. LEWIS. It is contemplated to build 4 miles now?

Mr. FLOOD of Virginia. Yes.

Mr. BUCHANAN. Mr. Speaker, a 50-year franchise usually arouses my suspicion that somebody is going to get more than they are entitled to, but after the statement by the chairman of the committee and other Members as to the necessity for this legislation and the difficulty of getting it constructed under a shorter franchise, I shall, although reluctantly, withdraw my objection. There are some features about the bill that I do not like because they are not in harmony with my ideas.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] reserved an objection to the bill.

Mr. LENROOT. Mr. Speaker, two weeks ago I objected to this bill, but since that I have examined it, and I propose to offer three amendments, two of which are acceptable to the chairman of the committee. With the understanding that he will support those two amendments, I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, unless some one desires to have a vote on some amendment considered separately, as there are 15 or 16 committee amendments, I ask unanimous consent that the committee amendments may be reported altogether and disposed of altogether.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the committee amendments may be read and disposed of together. Is there objection?

There was no objection.

The Clerk read the committee amendments, as follows:

Page 3, line 12, strike out the word "shall" and insert the word "may."

Page 7, line 19, after the word "within," strike out the words "two years" and insert the words "one year."

Page 7, line 19, after the word "the," strike out the word "approval" and insert the word "passage."

Page 7, line 20, strike out the word "franchise" and insert the word "act."

Page 7, line 24, strike out the word "approval" and insert the word "passage."

Page 8, line 2, insert, after the word "dollars," the words "with good security."

Page 8, line 3, after the word "form," insert the word "security."

Page 8, line 10, strike out the word "approval" and insert the word "passage," and strike out the word "franchise" and insert the word "act."

Page 8, strike out all of lines 15, 16, 17, 18, and 19 and insert: "Provided, That if there is any period during which work shall be suspended by reason of bona fide actions, suits, or injunctions, instituted through no fault of the association, but causing delay in the construction or commencement of operation of said railway, the time so lost shall not be counted as part of the periods of limitations above specified."

"Additions and extensions of the railway shall be constructed by the association and, when so constructed or constructed by others, shall thereafter be maintained and operated by it whenever, after notice and an opportunity to be heard, it shall be directed so to do by a committee consisting of the governor, the secretary, and the chief justice of the Territory, the circuit judge of the fourth circuit, and the chairman of the board of supervisors of the county of Hawaii, or other officer designated by the legislature: *Provided*, That the commission shall not so direct unless in its opinion the earnings of the association when operating such additions and extensions, together with its previously existing railway system, will be sufficient for its reasonable expenses of maintenance and operation, interest and sinking fund on its indebtedness, and dividends of 8 per cent per annum on its issued stock; and the commission may likewise permit the association to cease the maintenance and operation of any portion of the railway wherever in its opinion conditions so warrant or require."

Page 10, after line 18, insert the following: "Upon the failure of the association to perform such work within a reasonable period of time after the receipt in writing of such requirement, the board may in its discretion proceed with said work or repairs, and the cost of the same shall be charged against the association and shall constitute a lien on the profits and assets of the association."

Page 11, line 20, after the word "may," insert the words "in the opinion of the governor."

Page 16, line 3, strike out the word "or" before the word "houses," and after the word "buildings" insert the words "necessarily pertaining thereto."

Page 16, after line 13, insert the following: "The association shall be, and is hereby, granted a right of way along and across, under and over, the roads, streets, bridges, and thoroughfares in the county of Hawaii for such poles, wires, conductors, and conduits as may be necessary and suitable for the transmission of electrical and other power from such power stations as may be hereafter constructed and equipped for the use of said railway to such point or points as it may see fit to deliver such power for use upon its lines."

Pages 18, line 2, strike out the word "approval" and insert the word "passage."

Page 18, line 9, strike out the word "approval" and insert the word "passage."

Page 18, strike out all of lines 18 to 25, inclusive, and on page 19, lines 1 to 3, inclusive, and insert the following:

"The association shall not issue stock in excess of the amount paid to it therefor in cash and \$50,000 additional, nor shall it issue bonds at less than 90 per cent of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditure."

"The association may pay, out of any earnings available for the purpose, after paying its expenses of operation and maintenance, interest and sinking fund on its bonds, and any other expenses properly payable out of earnings, cumulative dividends upon its stock at the rate of 8 per cent per annum, and shall pay each year to the county of Hawaii, or such political division as the legislature shall from time to time designate, an amount equal to three times the amount, if any, which it shall pay in dividends in that year in excess of such cumulative dividends."

Page 20, line 4, strike out the word "approval" and insert the word "passage."

Page 21, strike out all of section 20.

Mr. FLOOD of Virginia. Mr. Speaker, I submit the following additional committee amendment.

The Clerk read as follows:

On line 22, page 16, strike out the period, after the word "lines," and insert in lieu thereof a colon; after said colon add the following:

"*Provided, however*, That the lease or grant of any water power or other water privilege to the association by the Territory of Hawaii, or its officials, for the purpose of producing electricity, or other purpose, shall be made to the association only in the event of its being the high-

est responsible bidder therefor, at public sale, after due advertisement and notice of such proposed sale by the proper officials of the Territory."

The SPEAKER. The question is on agreeing to all the committee amendments.

The committee amendments were agreed to.

Mr. LEWIS. Mr. Speaker, I offer the following amendment. The Clerk read as follows:

Amend section 7 by adding, at the end of line 8, page 13, the following:

"*Provided*, That the board, subject to the approval of the governor, shall have power from time to time to revise and reduce the rates of fare promulgated under this act or by the association."

Mr. FLOOD of Virginia. We will accept that amendment.

The amendment was considered and agreed to.

Mr. LEWIS. Mr. Speaker, I offer the following amendment. The Clerk read as follows:

Amend section 17, by striking out, in line 5, page 19, the words "fifty thousand dollars."

Amend section 17, by adding, after the word "of," in line 4, page 19, the following: "One hundred and fifteen per cent of."

Mr. FLOOD of Virginia. Mr. Speaker, as to the first amendment I should like to raise a point of order.

The SPEAKER. What point of order does the gentleman make?

Mr. FLOOD of Virginia. Mr. Speaker, it is an amendment to an amendment which has already been adopted by the House, and, therefore, is not in order.

The SPEAKER. The point of order is overruled.

Mr. LEWIS. Mr. Speaker, just a few words of explanation in regard to this amendment. We are all familiar with the fact that public-utility corporations usually issue bonds and stock. Frequently, in this country, distinguishable from other countries in the world, the stock is all, or nearly all, water. Under the terms of this bill the road might be built by the issue of bonds, as to which under the bill 10 per cent can be water. That is, a bond can be issued for \$100 on \$90 of subscription, and therefore you have 10 per cent of water capitalization possible on the bonds. With regard to the stock, the bill now provides that no stock shall be issued except for money actually subscribed, excepting "an additional \$50,000," which, in terms, may be water. The road might be built with bonds, and then \$1,000 of stock bona fide paid for might be issued, when under the terms of this bill \$50,000 of the stock might be issued as pure water, or about \$12,500 a mile on the contemplated cost of construction of 4 miles. The amendment proposed is this: That they will be limited in issuing stock to 15 per cent more than the money actually paid in. Thus they can issue \$115 of stock for \$100 of actual money subscribed for stock. It is important, I may say to the House, in the way of example, that we give this subject proper consideration. Whether in striking the line at 15 per cent as the permissible margin of fictitious value for the needs and purposes of the promoter I have fixed the line right, I do not have the assurance to say; but I do say this: That the time has come when this national assembly ought to take up this subject and indicate the national policy. Are we to go on forever, or as long as private control of these public utilities last, allowing promoters to issue counterfeit capital—a procedure I may say that does not obtain in any of the countries of Europe? This amendment is directed specifically to that point; that a restriction of the amount of water in this stock, if stock be issued, shall be fixed at 15 per cent maximum, and that watered stock shall not be issued except to the extent of 15 per cent of the amount subscribed for stock.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. LEWIS. Certainly.

Mr. MARTIN of South Dakota. As to the form of the gentleman's proposed amendment, I understood it is to strike out the words "fifty thousand dollars."

Mr. LEWIS. Yes.

Mr. MARTIN of South Dakota. Ought not the word "and," in line 5, and the word "additional," in line 6, be stricken out in order to make sense?

Mr. LEWIS. Possibly so; yes. Of course I would gladly accept any amendment of that kind. This amendment that I have offered was hastily drawn. As amended it would read:

The association shall not issue stock in excess of 115 per cent of the amount paid to it therefor in cash—

And so forth.

I think the word "and," in line 5, and the word "additional," in line 6, ought to be added to my amendment, and I ask unanimous consent that that be done.

Mr. MARTIN of South Dakota. I would like to ask the gentleman further whether he considers the Congress of the United States in legislative enactment ought to recognize and make

valid the issuance of any amount of water in a public utilities corporation?

Mr. LEWIS. I do not understand that by this amendment we would be doing that. We will be fixing a limitation upon the natural excesses of the promoter, and that is all.

Mr. MARTIN of South Dakota. Is it not practically a governmental approval of 15 per cent of watered stock?

Mr. LEWIS. Yes; and is only pardonable because otherwise there would be \$50,000, which might mean 99 per cent of water in the amount of stock issued, or about \$12,500 a mile of the road to be built.

Mr. FLOOD of Virginia. Mr. Speaker, I hope the House will not adopt this amendment. The Committee on the Territories very carefully considered this matter and reached the conclusion that \$50,000 as a promoter's bonus was not extravagant; that the people who were getting up this corporation and were going to make a very considerable investment in this small town would be at a large expense. This bill granting the franchise first had to go through the Territorial Legislature, and then they have had men here who appeared before our committee, and who are still here, with the hope of getting the bill through the House and the Senate, and this \$50,000 covers everything in excess of the money that is to be actually expended in grading, railroad ties, equipment, and so forth. All of the proceeds of the stock issue must be expended in constructing the road and equipping it, and in addition to that, \$50,000 of stock will be sold as surplus, or promoter's bonus. We considered this was not a very liberal proposition from the standpoint of the men who were getting up this enterprise. The bill was carefully considered by a subcommittee. They went carefully into it, and this provision that is incorporated here is the suggestion of the governor of Hawaii. It is not the proposition that passed the legislature. That bill authorized a watered stock of 120 per cent, but the governor thought that was entirely too much, and we agreed with him; and the governor of Hawaii suggested this, and the committee, after careful investigation, decided to give this company this bonus of \$50,000.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FLOOD of Virginia. Certainly.

Mr. MARTIN of South Dakota. What is the mileage of the proposed road?

Mr. FLOOD of Virginia. It must build 4 miles in a specified time, and it must be extended whenever a commission, consisting of the governor and the chief justice and the members of the board of supervisors, decide that it shall be extended.

Mr. MARTIN of South Dakota. Then in the original construction of 4 miles this would be permitting a water of \$12,500 per mile.

Mr. FLOOD of Virginia. Exactly.

Mr. MARTIN of South Dakota. I suppose the issue of bonds is to construct the road?

Mr. FLOOD of Virginia. The issue of bonds and stocks; yes. Mr. MARTIN of South Dakota. And there is nothing to compel these promoters to buy more than a thousand dollars' worth of stock for cash and then have practically the whole control of the road by virtue of fictitious stock?

Mr. FLOOD of Virginia. Why, it will take between \$250,000 and \$300,000 to construct this road and the power plant to run it with.

Mr. MARTIN of South Dakota. Will not that be done by the issue of bonds?

Mr. FLOOD of Virginia. Yes; but the issue of bonds will be somewhere in the neighborhood of \$300,000, and we provide a bonus here of \$50,000.

Under the amendment offered by the gentleman from Maryland the bonus will be \$45,000. It might be more than \$50,000, because here is a commission of Hawaiian people authorized to force this company to extend its line whenever they think the community demands and the facts justify it.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. FLOOD of Virginia. I will.

Mr. SLAYDEN. The question of the gentleman from South Dakota [Mr. MARTIN] indicates that he believes that a market has been secured for these bonds. I understood him to say that the road would be built from the proceeds of the sale of bonds. Now, is there any certainty that the bonds of an enterprise of that nature in a small town, in an island such as this, will be sold as high as 90 cents on the dollar?

Mr. FLOOD of Virginia. Well, the bill provides they can not be sold for less.

Mr. SLAYDEN. Suppose the capitalists are not willing to take them at that figure?

Mr. FLOOD of Virginia. Then the enterprise fails.

Mr. SLAYDEN. The railroad will not be built.

Mr. FLOOD of Virginia. The enterprise fails. Now, I hope this amendment will be voted down, because I do not believe that this enterprise can be financed if it is hedged about with any more conditions than the Committee on Territories have already hedged it about with.

Mr. LEWIS. I would like to ask the gentleman before he takes his seat, is the gentleman willing that the American Congress shall give an example of a franchise openly authorizing fictitious and counterfeit stock?

Mr. FLOOD of Virginia. I do not believe there is any fictitious stock about it. In order to finance this franchise it will cost something. Lawyers' fees have to be paid; men went to Honolulu, and some came here to give information to the committee—all of this costs. They will have to employ men to finance their scheme, and I do not believe there would be very much of the \$50,000 left. As to going on record, I am perfectly willing to go on record in the encouragement of an enterprise such as this to help develop an island in the mid-Pacific.

Mr. CANNON. Has the gentleman ever visited Hilo?

Mr. FLOOD of Virginia. I never have.

Mr. CANNON. Some years ago I did. It is stated in the report there are about 7,000 people at Hilo. It is on the western side of the island, as I recollect, and they get about 300 or 350 inches of rain annually, and on the eastern side of the island about 4 or 5 inches—a dense forest, a tropical country. The gentleman has cause to believe that somebody would build this road?

Mr. FLOOD of Virginia. Yes, sir; we made inquiry into that.

Mr. CANNON. If the gentleman is satisfied, I will vote for it, but the Lord knows, with this population and considering the country, I would not want to buy any of the bonds or take any stock, and I merely want to suggest to the gentleman, considering the conditions down there, if there is the faintest hope that anybody will furnish the money to build this road it is not necessary to burden the legislation with something by way of precedent constituted by the American Congress to prevent the watering of that stock.

Mr. FLOOD of Virginia. I fully agree with the gentleman from Illinois, and I will say this, that I entertained the doubt that the gentleman does that anybody would finance this enterprise, and I was informed by my friend from Georgia [Mr. BRANTLEY] that friends of his in Baltimore who had investigated the question said they would aid in the financing of it. I fully agree with the gentleman that this bill ought not to be weighted down with any further limitations or conditions. I hope that this amendment proposed by the gentleman from Maryland [Mr. LEWIS] will be voted down and the amendment as proposed by the governor of Hawaii, which we have incorporated in this bill, will be adopted by this House.

Mr. MANN. Mr. Speaker, ordinarily in this country a city council or village board determines the franchise of a street railway, but here, having granted a Territorial legislature to the Territory of Hawaii and reserving our authority over franchises, we quibble and quarrel over the terms of a franchise for the building of a street railway in a town in Hawaii. Now, there is not a Member in this House who would invest one dollar. If it were in this country, the town of Hilo would determine the terms on which the company would build under the act of the legislature, but we will not permit the town of Hilo to say anything about it; we will not permit the Territorial legislature to determine in regard to it; but we seek to inject into the bill every fad and fancy of every gentleman who has particular or peculiar views in regard to street railway franchises. If anybody is willing to put his money into this street car company upon the terms of this bill as reported from the committee, it is a tribute, not to the intelligence but to the fairy imagination of the people who invest in it.

Mr. LEWIS. Will the gentleman yield before he takes his seat?

Mr. MANN. Certainly.

Mr. FLOOD of Virginia. I would like for the Speaker to hear me on the point of order.

The SPEAKER. The gentleman does not have to be heard. The Chair did not understand the gentleman's point of order, either because the gentleman did not fully state it or because the Chair did not understand it; but the gentleman's point of order against the first amendment was good. There is a ruling exactly in point on page 388, volume 5, Hinds' Precedents, section 5766, and the gentleman from Pennsylvania [Mr. OLMSTED] was in the chair in the Committee of the Whole House on the state of the Union. That identical question was raised and was passed on, and the Chair sustains the point of order on the first amendment, and will now put the question on the second amendment.

Mr. FLOOD of Virginia. Mr. Speaker, I would like to have the second amendment again reported.

The second amendment was again reported.

Mr. FLOOD of Virginia. There is an amendment from line 4 down to 18, an amendment which the House has already adopted, and this is an amendment to the amendment.

The SPEAKER. That is true; the gentleman did not raise a point of order on the other.

Mr. FLOOD of Virginia. But I raise it now.

Mr. LEWIS. Too late, and too late on the other, too. The gentleman accepted the other amendment.

Mr. FLOOD of Virginia. As soon as I heard the amendment read, I asked to have it reported; I did not know what the amendment was.

Mr. LEWIS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEWIS. Mr. Speaker, explicitly I declined to reserve my right to object to this measure and may have influenced in some degree another—

Mr. FLOOD of Virginia. Mr. Speaker, I withdraw my point of order.

The SPEAKER. The question is on the amendment to the amendment.

The question was taken, and the Speaker announced the yeas seemed to have it.

Upon a division (demanded by Mr. LEWIS) there were—ayes 6, yeas 47.

So the amendment was rejected.

Mr. LENROOT. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 17 by adding the following after line 18, on page 19: "No member of the association, or of any assignee or successor of the same, and no stockholder or officer of any corporation securing any or all of the rights herein granted to the association, shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, for the construction of any part of the railway or for the supply of its rolling stock."

Mr. FLOOD of Virginia. I agree to the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FLOOD of Virginia. Mr. Speaker, I wish to ask unanimous consent that the amendment offered by the gentleman from Maryland [Mr. LEWIS] be voted on in view of the statement he made about his not objecting to the consideration of the bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the first amendment offered by the gentleman from Maryland be voted on. Is there objection? [After a pause.] The Chair hears none.

The amendment was again read.

Mr. LEWIS. That is not the one.

Mr. FLOOD of Virginia. The first amendment was agreed to. Is that the condition of the Journal?

Mr. LEWIS. Mr. Speaker, I think we ought to be clear about that.

The SPEAKER. Which amendment now are the gentlemen talking about?

Mr. LEWIS. The first amendment, on page 13, section 7. The gentleman from Virginia [Mr. Flood] accepted that. I want to know if that is the condition of the record.

The SPEAKER. Let us find out how the matter stands. How many amendments did the gentleman from Maryland [Mr. LEWIS] offer?

Mr. LEWIS. I offered two, on as many separate sheets.

The SPEAKER. There were two amendments on one sheet?

Mr. LEWIS. Yes.

The SPEAKER. The gentleman, then, offered three.

Mr. MANN. The first amendment the gentleman offered was agreed to.

The SPEAKER. The first amendment the gentleman from Maryland offered was agreed to.

Mr. LEWIS. But this situation arose, as I understood it: The gentleman from Virginia [Mr. Flood], after accepting it, suggested a point of order against it.

The SPEAKER. That was on the first amendment on the second sheet.

Mr. MANN. That was the \$50,000 amendment.

The SPEAKER. The \$50,000 amendment. Is that the one? The first amendment was adopted without any contest.

Mr. FLOOD of Virginia. Now, we understand, Mr. Speaker, we can go ahead.

The SPEAKER. The Clerk will read the first amendment on the second sheet.

Mr. FLOOD of Virginia. No; not the first amendment on the second sheet but the amendment on the separate sheet.

The SPEAKER. The gentleman's first amendment was agreed to without any objection.

Mr. FLOOD of Virginia. The gentleman does not care to have the amendment on the second sheet voted on.

The SPEAKER. Then the request of the gentleman from Virginia [Mr. Flood] is superfluous.

Mr. FLOOD of Virginia. Yes; I withdraw my objection.

The SPEAKER. The Clerk will report the amendment of the gentleman from Wisconsin [Mr. LENROOT].

The Clerk read as follows:

Amend section 8 by adding the following after line 17, page 14:

"If at any time there shall be constituted by or with the authority of Congress of the United States a public utility board for the regulation of public utility corporations in the Territory of Hawaii, the power of making the regulations given by this section shall be vested in said board."

The SPEAKER. The question is on agreeing to the amendment.

Mr. FLOOD of Virginia. The committee agrees to that amendment.

The SPEAKER. The committee can not agree to anything.

Mr. FLOOD of Virginia. I wanted to state to the Chair the agreement between the gentleman from Wisconsin [Mr. LENROOT] and the committee.

The SPEAKER. That is all right.

The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Speaker, I move to strike out section 15 of the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, strike out all of lines 4, 5, 6, 7, 8, 9, and 10.

Mr. LENROOT. Mr. Speaker, just a word with reference to this amendment. Section 16 exempts all the property of this corporation from taxation for a period of 10 years. I am opposed to this, not because I believe this exemption would mean exorbitant profits to this street railway, for I share the belief with the gentleman from Illinois [Mr. MANN] and others to a very large degree that it is very questionable, indeed, whether this is an undertaking that offers any prospects of financial success. But, Mr. Speaker, I am opposed to the principle, either in this bill or in any other bill, of exempting property of any public utility from taxation. In the first place, if this corporation can not offer sufficient inducements without this provision, then it ought not to exist at all. If it is going ahead to create property there, then this exemption from taxation means a bonus to this company by the taxpayers of the Territory of Hawaii for the construction of this road. It is wrong in principle. I am opposed to its being in this bill, and I shall oppose it in any bill.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. LENROOT. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 31, yeas 33.

So the amendment was rejected.

Mr. MONDELL. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 18, page 19, insert as a separate paragraph:

"That the construction and operation of the railways shall, except as otherwise provided herein, be at all times under the supervision and control of the board."

Mr. FLOOD of Virginia. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FLOOD of Virginia. I would just like to know what that amendment is an amendment to.

The SPEAKER. The Clerk will again report the amendment.

The amendment was again read.

Mr. MONDELL. Mr. Speaker, I do not think that—

Mr. FLOOD of Virginia. Reserving a point of order, Mr. Speaker—

Mr. MANN. It is not subject to a point of order.

Mr. MONDELL. If I may have the attention of the chairman of the committee for just a moment, I wish to say that I find no provision in the bill, from a rather hurried examination of it, relative to the general supervision and control of these operations. From a hasty reading of the bill I do find some provisions in regard to the supervision by the board of certain matters; that is, the board can regulate the speed of the cars and other matters. There are some provisions with regard to

supervision to be exercised by the governor, but there is nothing in the bill, so far as I have been able to find, that provides for a general supervision of the operations, either as to construction or as to operations subsequent to the construction, by anybody; and the gentleman will note that there are many acts to be performed under this bill that should be supervised by somebody.

Mr. FLOOD of Virginia. Did the gentleman hear the amendment offered by the gentleman from Wisconsin [Mr. LENROOT]?

Mr. MONDELL. As I understood the gentleman's amendment, it provided for supervision in case there should be a public-utilities board established in the future. But there is already a board of supervisors in the county of Hilo, island of Hawaii, and that board, or the municipal corporation itself, if there be one, should have general supervision and control of these operations.

Who is to say whether the trolley wires shall be elevated above the street the distance required by this bill? Who shall say how the poles shall be placed and how the wires shall be strung? Who is to supervise this work as the authorities of a municipal corporation always supervise such work of construction?

Mr. FLOOD of Virginia. Mr. Speaker, let me read to the gentleman the eighth section of the bill, on page 14. It provides—

That the association, with the approval of the governor, shall make reasonable and just regulations regarding the operation of the railway, and on failure of the association to make the same within a reasonable time after the receipt of written notice from the governor so to do the board, with the approval of the governor, may make such regulations. All regulations may be changed from time to time as the public interests may demand, at the discretion of the governor.

Mr. MONDELL. I do not think that section covers the matters that I have in mind at all. Those regulations would be as to how frequently the cars shall run, and matters of that kind.

Mr. COOPER. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Wisconsin?

Mr. MONDELL. I do.

Mr. COOPER. Do I understand the gentleman from Wyoming to ask who would regulate the height of trolley wires? That is found on page 11, under section h.

Mr. MONDELL. There is a provision there that the trolley wires shall be of a certain height. There are many provisions in the bill as to what the company shall do, but—

Mr. COOPER. It says "with the approval of the governor," in section 8.

Mr. MONDELL. Let me call the gentleman's attention to a very important provision on page 16—the provision which grants to the association the "right of way along and across, under and over the roads, streets, bridges, and thoroughfares in the county of Hawaii for such poles, wires, conductors, and conduits as may be necessary," and so forth. There is no place in the bill where there is any provision as to who shall supervise that work and the exercise of that very wide authority to use the streets of the city of Hilo, and there should be somebody, some individual or some corporate body, whose duty it would be to supervise that grant—that very wide grant of power and authority.

Mr. FLOOD of Virginia. That is done in section 9. That shall be done by the board of supervisors of the county of Hawaii.

Mr. DAVENPORT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Oklahoma?

Mr. MONDELL. Yes.

Mr. DAVENPORT. I would like to ask the gentleman this question, if he will examine section 4—whether he does not think supervision is properly given by that section?

Mr. MONDELL. I do not pretend to have gone over the bill as carefully as the gentleman who prepared it, but I find this: That in various places in the bill there are provisions for the supervision of certain acts, but there is no general authority in the bill for any general supervisory power and control—none whatever—and there are many acts provided for which would be absolutely without any supervision at all unless there was an amendment.

Mr. DAVENPORT. I will ask the gentleman further if the provisions of the bill are not so constructed as to give general supervisory power over all acts? If it is not given by implication, it is specifically provided for by section 4.

Mr. MONDELL. No; just one moment. If this were a municipal corporation making this grant, the supervisory control of the municipal corporation would follow as a matter of course. But Congress is making this grant, and Congress has

no such supervisory control, and in the absence of a specific provision for such supervisory control there is none, and they could go on the streets and tear them up as they saw fit, and they could place their poles along the streets as they saw fit, and the only way by which that could be controlled would be by bringing a suit in court.

Mr. FLOOD of Virginia. The gentleman would not make that statement if he had read the bill.

Mr. DAVENPORT. The gentleman, if he will read the bill, will find that the power is vested in the board of supervisors.

Mr. MONDELL. If the gentleman will point out any place where there is a general power of supervision vested in the board of supervisors or anyone, I will withdraw my amendment.

Mr. DAVENPORT. Section 4 provides that—

(a) The railway, together with all its branches, parts, and connections, shall be thoroughly and substantially constructed according to the best modern practice, with rails level with the surface of the street where laid, and in such manner as to cause the least obstruction to the free use of the streets, roads, and places where laid; and the location in the streets shall be such as may be directed or approved by the board, subject to the provisions of this act.

Mr. MONDELL. There are certain definite provisions and specific things with regard to which the board has control.

Mr. DAVENPORT. Each provision is subdivided.

Mr. MONDELL. But there is no supervision or control at all except where it is specifically provided here and there.

Mr. DAVENPORT. You will find in another subdivision in relation to the superintendent where it says that it shall be done so as not to interfere with the water pipes or the sewers or the public travel.

Mr. MONDELL. Yes; but there are many things which would occur in connection with the use of the streets with regard to which there is no supervision.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MANN. Is there any doubt that, except as provided in this bill, if it becomes a law, all of these matters are subject to the jurisdiction of the Territorial legislature with reference to the use of the streets and everything else in connection therewith?

Mr. MONDELL. I have doubt about it, inasmuch as we have withheld from the Territorial legislature the power of providing for franchises.

Mr. MANN. Providing for franchises, but we have not taken from them the control over their streets.

Mr. MONDELL. But Congress has given the company a very broad authority without any limitation whatever as to general supervisory control; I doubt if the Territory of Hawaii would have anything to say about it. It has been deemed necessary in several places in the bill to give the board specific control, but there is no provision made for general control and supervision. If it is necessary to make the provisions for control which have been made here, is not it necessary to make provision for control in all cases?

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. LENROOT. Mr. Speaker, I want to suggest to the gentleman from Virginia that, as I understand the amendment of the gentleman from Wyoming, it is only to the effect that except as otherwise provided in the bill the regulation shall be made by this board. Now, if the gentleman from Virginia is correct in his construction, this amendment can do no possible harm. If the gentleman from Wyoming is correct in his construction, then certainly the amendment ought to be in the bill.

Mr. MANN. Would it not directly and flatly conflict with the provision that gives the governor authority over certain regulations?

Mr. LENROOT. Not at all, because that is excepted.

Mr. MONDELL. The amendment specifically provides "except as otherwise provided in the act."

The SPEAKER. The time of the gentleman from Wyoming has expired. Does the gentleman from Virginia withdraw his point of order?

Mr. FLOOD of Virginia. Yes; and I ask for a vote.

The SPEAKER. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Speaker, on page 12, line 22, I move to strike out the word "four" and insert the word "five," so that the bill will read "children under 5 years of age shall be allowed to ride free," and so forth.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 22, strike out the word "four" and insert the word "five."

Mr. BUCHANAN. Mr. Speaker, I desire to amend the amendment by striking out the word "five" and inserting the word "six."

Mr. HUMPHREYS of Mississippi. I would like to ask the gentleman what is the rule that obtains generally throughout the country on that subject?

Mr. BUCHANAN. If my memory serves me right, it is for children under 7 in Chicago.

Mr. FLOOD of Virginia. I will say that the prevailing rule is 5 years, as I am informed, and if so, I will say that that amendment will be agreeable.

Mr. RAKER. The gentleman from Missouri [Mr. RUSSELL] says it is 6 years in his State and the gentleman from Massachusetts [Mr. CURLEY] says it is 5 in Massachusetts, and I thought that 5 would be equitable and right.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois to the amendment of the gentleman from California.

The question was taken, and the amendment was rejected.

The SPEAKER. The question now is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Speaker, I move to amend, on page 18, line 8, by striking out the words "10 years" and inserting in lieu thereof the words "1 year."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 18, line 8, strike out the words "10 years" and insert the words "1 year."

Mr. FLOOD of Virginia. Mr. Speaker, I will say that the opinion of the committee was that the very best which this road could expect to do would be to pay a dividend at the end of 10 years; that it would be at least 10 years before it could pay running expenses and a dividend. For that reason we thought it right to exempt the road from taxation for 10 years. The bill provides that at the end of 20 years, if the people of Hilo want to own this road, they can condemn it and take it for the actual cost of the road, plus 20 per cent, the cost to be ascertained by a commission appointed by the authorities there. The evidence was undisputed; those who appeared before the committee and those who wrote to the committee were of one accord—that they could not expect this road to pay its running expenses for a number of years, and that in all probability it would not pay the running expenses for 10 years; and in order to encourage the enterprise, in order to get the road built for the convenience and benefit of the people, in order to enable the incorporators to raise the money to put it there, we exempted it from taxation for 10 years, and we think that that exemption ought to be given to them.

Mr. FOWLER. Mr. Speaker, I do not think any corporation should undertake to build any great enterprise unless it has funds sufficient to pay the ordinary taxes which the Government imposes on property, and for that reason I hope this amendment will pass.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOWLER) there were 12 ayes and 33 noes.

So the amendment was rejected.

Mr. FOWLER. Mr. Speaker, on the same page, 18, line 8, I move to strike out the word "ten" and insert in lieu thereof the word "five."

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was lost.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The amended bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. LEWIS. Mr. Speaker, I offer the following motion to recommit with instructions, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. LEWIS moves to recommit the bill to the Committee on Territories with instructions to report forthwith with the following amendment:

"Amend section 17 by striking out, in line 5, page 19, the words 'and fifty thousand dollars additional,' and amend section 17 by adding after the word 'of,' in line 4, page 19, the following:

"One hundred and fifteen per cent of."

The SPEAKER. The question is on the motion to recommit with instructions.

The question was taken; and on a division (demanded by Mr. LEWIS) there were—ayes 4, noes 36.

Mr. LEWIS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, the Clerk will call the roll, and the question will be taken on the motion to recommit.

The question was taken; and there were—ayes 29, noes 192, answered "present" 12, not voting 159, as follows:

YEAS—29.

Barnhart	French	Lenroot	Rubey
Bartlett	Garner	Lewis	Sabath
Buchanan	George	Lindbergh	Smith, J. M. C.
Cary	Goodwin, Ark.	Littlepage	Stone
Cullop	Hamlin	Oldfield	Sweet
Daugherty	Howard	Raker	
Floyd, Ark.	Jacoway	Robinson	
Fowler	Kent	Roddenberry	

NAYS—192.

Adair	Ellerbe	Kinkaid, Nebr.	Reilly
Adamson	Esch	Knowland	Roberts, Mass.
Ainey	Evans	Konig	Rouse
Akin, N. Y.	Falson	Konop	Rucker, Colo.
Alexander	Farr	Kopp	Russell
Anderson, Minn.	Fergusson	Korby	Sells
Anderson, Ohio	Ferris	Lafferty	Slimmons
Ashbrook	Finley	Lawrence	Sims
Austin	Fitzgerald	Lee, Pa.	Sisson
Ayres	Flood, Va.	Lever	Slayden
Bartholdt	Fordney	Lloyd	Sloan
Bell, Ga.	Foss	McGillicuddy	Small
Blackmon	Foster	McKenzie	Smith, Saml. W.
Boehne	Fuller	McKinley	Smith, N. Y.
Booher	Gallagher	McKinney	Smith, Tex.
Borland	Gardner, Mass.	McLaughlin	Speer
Bowman	Godwin, N. C.	Macon	Stedman
Brantley	Good	Madden	Stephens, Cal.
Bulkley	Green, Iowa	Maguire, Nebr.	Stephens, Miss.
Burke, Wis.	Greene, Mass.	Mann	Stephens, Nebr.
Burleson	Gregg, Pa.	Matthews	Stephens, Tex.
Burnett	Gregg, Tex.	Mondell	Sterling
Butler	Hamilton, Mich.	Moon, Tenn.	Stevens, Minn.
Byrnes, S. C.	Hamilton, W. Va.	Moore, Pa.	Sulloway
Byrns, Tenn.	Hammond	Morgan	Sulzer
Candler	Hardy	Morrison	Taggart
Cannon	Harrison, Miss.	Morse, Wis.	Talcott, N. Y.
Catlin	Hartman	Moss, Ind.	Taylor, Ala.
Cline	Haugen	Murray	Taylor, Colo.
Collier	Hawley	Needham	Thayer
Connell	Hay	Neeley	Towner
Cooper	Hayes	Nelson	Tribble
Copley	Helgesen	Nye	Turnbull
Crumppacker	Henry, Conn.	Padgett	Tuttle
Curley	Hensley	Page	Underhill
Dalzell	Higgins	Palmer	Underwood
Danforth	Hill	Patten, N. Y.	Utter
Davis, Minn.	Holland	Payne	Warburton
Dent	Hughes, Ga.	Peters	Watkins
Denver	Hughes, N. J.	Pou	Wedemeyer
Dickinson	Hull	Powers	White
Dixon, Ind.	Humphrey, Wash.	Pray	Wickliffe
Dodds	Humphreys, Miss.	Prince	Wilson, Pa.
Donohoe	Jackson	Prouty	Witherspoon
Doughton	Jones	Rainey	Wood, N. J.
Driscoll, M. E.	Kahn	Ransdell, La.	Young, Kans.
Dupré	Kendall	Redfield	Young, Mich.
Edwards	Kennedy	Rees	Young, Tex.

ANSWERED "PRESENT" 12.

Browning	Davidson	Glass	McCall
Campbell	Dyer	Graham	McMorran
Davenport	Gillett	Hardwick	Moon, Pa.

NOT VOTING—159.

Aiken, S. C.	Driscoll, D. A.	La Follette	Rauch
Allen	Dwight	Lamb	Reyburn
Ames	Estopinal	Langham	Richardson
Andrus	Fairchild	Langley	Riordan
Ansberry	Fields	Lee, Ga.	Roberts, Nev.
Anthony	Focht	Legare	Rodenberg
Barchfeld	Fornes	Levy	Rothermel
Bates	Francis	Lindsay	Rucker, Mo.
Bathrick	Gardner, N. J.	Linthicum	Saunders
Beall, Tex.	Garrett	Littleton	Scully
Berger	Goeke	Lobeck	Shackelford
Bradley	Goldfogle	Longworth	Sharp
Broussard	Gould	Loud	Sheppard
Brown	Gray	McCoy	Sherley
Burgess	Griest	McCreary	Sherwood
Burke, Pa.	Gudger	McDermott	Slomp
Burke, S. Dak.	Guernsey	McGuire, Okla.	Smith, Cal.
Calder	Hamill	McHenry	Sparkman
Callaway	Hanna	McKellar	Stack
Cantrill	Harris	Maher	Stanley
Carlin	Harrison, N. Y.	Malby	Steenerson
Carter	Hayden	Martin, Colo.	Switzer
Clark, Fla.	Heald	Martin, S. Dak.	Talbot, Md.
Claypool	Heflin	Mays	Taylor, Ohio
Clayton	Helm	Miller	Thistlewood
Conry	Henry, Tex.	Moore, Tex.	Thomas
Covington	Hinds	Mott	Tilson
Cox, Ind.	Hobson	Murdock	Townsend
Cox, Ohio	Houston	Norris	Vare
Crago	Howell	Olmsted	Volstead
Cravens	Howland	O'Shaunessy	Vreeland
Currier	Hubbard	Parran	Webb
Curry	Hughes, W. Va.	Patton, Pa.	Weeks
Davis, W. Va.	James	Pepper	Whitacre
De Forest	Johnson, Ky.	Pickett	Wildner
Dickson, Miss.	Johnson, S. C.	Plumley	Willis
Dies	Kindred	Porter	Wilson, Ill.
Difenderfer	Kinkaid, N. J.	Post	Wilson, N. Y.
Doremus	Kitchin	Pujo	Woods, Iowa
Draper	Lafean	Randall, Tex.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:
For the session:

Mr. FORNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.
Mr. GLASS with Mr. SLEMP.
Mr. HOBSON with Mr. FAIRCHILD.
Until further notice:
Mr. HEFLIN with Mr. PATTON of Pennsylvania.
Mr. WEBB with Mr. WOODS of Iowa.
Mr. SHERLEY with Mr. WILSON of Illinois.
Mr. SHARP with Mr. WILDER.
Mr. ROTHERMEL with Mr. VARE.
Mr. O'SHAUNESSY with Mr. OLMSTED.
Mr. MCKELLAR with Mr. VREELAND.
Mr. McDERMOTT with Mr. TILSON.
Mr. MCCOY with Mr. SWITZER.
Mr. LOBECK with Mr. STEENPERSON.
Mr. LINTHICUM with Mr. SMITH of California.
Mr. LEVY with Mr. ROBERTS of Nevada.
Mr. LEGARE with Mr. REYBURN.
Mr. KITCHIN with Mr. PLUMLEY.
Mr. HENRY of Texas with Mr. PICKETT.
Mr. HAYDEN with Mr. OLMSTED.
Mr. HARRISON of New York with Mr. MURDOCK.
Mr. GUDGER with Mr. MOTT.
Mr. GOLDFOGLE with Mr. MILLER.
Mr. GARRETT with Mr. MALBY.
Mr. DANIEL A. DRISCOLL with Mr. McCREARY.
Mr. DIFENDERFER with Mr. LAFEAN.
Mr. DIES with Mr. HUGHES of West Virginia.
Mr. DAVIS of West Virginia with Mr. HOWELL.
Mr. CRAVENS with Mr. HINDS.
Mr. COX of Indiana with Mr. HEALD.
Mr. COVINGTON with Mr. HARRIS.
Mr. CLAYTON with Mr. GUERNSEY.
Mr. CLAYPOOL with Mr. GRIEST.
Mr. CLARK of Florida with Mr. FOCHT.
Mr. CARTER with Mr. MCGUIRE of Oklahoma.
Mr. CABLIN with Mr. DE FOREST.
Mr. CALLAWAY with Mr. CURRY.
Mr. BATHRICK with Mr. CURRIER.
Mr. ANSEBERRY with Mr. CRAGO.
Mr. AIKEN of South Carolina with Mr. AMES.
Mr. BEALL of Texas with Mr. BARCHFELD.
Mr. RANDELL of Texas with Mr. GARDNER of New Jersey.
Mr. RUCKER of Missouri with Mr. DYER.
Mr. RICHARDSON with Mr. MARTIN of South Dakota.
Mr. COX of Ohio with Mr. TAYLOR of Ohio.
Mr. JOHNSON of South Carolina with Mr. GILLET.
Mr. DAVENPORT with Mr. BURKE of South Dakota.
Mr. LITTLETON with Mr. DWIGHT.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. JAMES with Mr. MCCALL.
Mr. HELM with Mr. RODENBERG.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. SHEPPARD with Mr. BATES.
Mr. ALLEN with Mr. LONGWORTH.
Mr. MAYS with Mr. THISTLEWOOD.
Mr. PUJO with Mr. McMOBBAN.
Mr. FIELDS with Mr. LANGLEY.
Mr. SCULLY with Mr. BROWNING.
Mr. HOUSTON with Mr. MOON of Pennsylvania.
Mr. KINDRED with Mr. PORTER.
Mr. GOEKE with Mr. HOWLAND.
Mr. HARDWICK with Mr. CAMPBELL.
For one week:
Mr. LEE of Georgia with Mr. HANNA.
Mr. BROWN with Mr. LANGHAM.
From May 3 and ending two weeks hence:
Mr. SHACKLEFORD with Mr. DRAPER.
From May 16 and ending two weeks hence:
Mr. CANTRILL with Mr. LOUD.
Ending June 1:
Mr. THOMAS with Mr. HUBBARD.
From April 17 and ending May 21:
Mr. BURGESS with Mr. WEEKS.
From May 15 and ending May 25:
Mr. STANLEY with Mr. ANTHONY.
From May 18 and ending May 20:
Mr. KINKEAD of New Jersey with Mr. WILLIS.
Mr. MCCALL. Mr. Speaker, I am paired with the gentleman from Kentucky, Mr. JAMES. I voted "no." I would like to change my vote and vote "present."

The name of Mr. MCCALL was called, and he answered "Present."

Mr. BROWNING. Mr. Speaker, I am paired with the gentleman from New Jersey, Mr. SCULLY. I voted "no." I would like to change my vote.

The name of Mr. BROWNING was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors, and further proceedings under the call will be dispensed with. The question is on passing the bill.

The question was taken, and the bill was passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BROWN was granted leave of absence for three days, on account of sickness in family.

GRANT OF LANDS, SCHOOL PURPOSES, POWELL, WYO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21221) making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshone reclamation project, Wyoming.

The Clerk read as follows:

Be it enacted, etc. That the Secretary of the Interior is hereby authorized and directed to issue patent conveying block 31, town site of Powell, on Shoshone reclamation project, Wyo., to school district No. 2, Park County, Wyo.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXCHANGE OF LANDS FOR SCHOOL SECTION WITHIN AN INDIAN OR OTHER RESERVATION, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

Mr. RAKER. Mr. Speaker, in regard to this bill, the title of which has just been read by the Clerk (H. R. 19344), the gentleman from Illinois [Mr. MANN] has not had time to examine it, and I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from California asks unanimous consent that the bill H. R. 19344 be passed without prejudice.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Under the rule is it competent to make such a disposition of a bill upon the Unanimous Consent Calendar?

The SPEAKER. Yes; the Chair thinks it is.

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I desire to know whether passing a bill upon the Unanimous Consent Calendar with a view to returning to it is in accordance with the spirit of the unanimous-consent rule?

The SPEAKER. Well, the Chair thinks it is, and that has been the uniform practice. The first time the question arose was on a bill that the chairman of the Judiciary Committee [Mr. CLAYTON] had up, and for some reason or other he was detained at his room or somewhere else, and that bill was at the head of the calendar, and it was asked that it be passed over until he could return to the Hall, and the matter was thrashed out, and it was decided that that was the proper practice, and it has been continued ever since.

Mr. BARTLETT. Mr. Speaker, the purpose of the Unanimous Consent Calendar is to give precedence to bills in the order in which they are filed. Now, if this bill is not disposed of, then it takes precedence over other bills that probably would be considered. And the fact it is disposed of in a different way instead of as provided by the rule, if objection is made and it goes off, we are putting it back again—

Mr. MANN. This bill has already been stricken from the calendar once and could not go back again. That is the reason the gentleman asked to have it passed over. I will be frank with the gentleman. I would not let it go through by unanimous consent to-day but the gentleman says he has a letter from the Department of the Interior that might and may persuade me so that I will not object hereafter.

Mr. BARTLETT. Well, I have no objection, of course, under those circumstances.

The SPEAKER. Is there objection to passing this bill without prejudice? [After a pause.] The Chair hears none and it is so ordered.

USE OF RECLAMATION FUND IN CONSTRUCTION OF BRIDGE ACROSS SNAKE RIVER, WYO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21171) authorizing the use of the reclamation fund in the construction of a bridge across Snake River, Wyo.

The Clerk read as follows:

A bill (H. R. 21171) authorizing the use of the reclamation fund in construction of a bridge across Snake River in Wyoming.

Whereas in the administration of the reclamation law the United States Reclamation Service has constructed at the outlet of Jackson Lake, Wyo., and the source of the Snake River a retaining storage dam; and

Whereas the use of this dam to store the flood waters of Jackson Lake and the Snake River watershed, and the release of the surplus waters thus stored into the channel of the Snake River for utilization in irrigating lands under reclamation projects, maintains high water in the Snake River at all periods of the year; and

Whereas through the maintenance of high water the Snake River, previously fordable for a large part of each year, in its course through the Jackson Hole region is now rendered unfordable at all times, and at times when large volumes of water have been discharged existing ferries have been swept away and rendered useless, and the residents of the Jackson Hole region and the towns and settlements of Jackson, Grovont, Cherry, Elk, and Zenith cut off from the railroad and other communication for freight and travel: Therefore

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to use such portion of the reclamation fund, as may be necessary for the construction of a bridge across Snake River, at a point in township 41 or 42 north, range 116 or 117 west, Wyoming, to be determined by the Reclamation Service, with the view of best serving the people of Jackson Hole and adjacent territory in Wyoming.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to know if I can get some information from the distinguished gentleman who introduced the bill. This bill proposes to pay for one half of the construction of a bridge out of the reclamation fund. The Senate passed a bill the other day, I believe—I am not sure whether it passed, but the gentleman can inform me, perhaps—to pay for this bridge out of the general funds in the Treasury. Am I correct?

Mr. MONDELL. I know such a bill was reported, but I am not informed whether it passed or not.

Mr. MANN. I took it for granted the gentleman would be informed if it had passed.

Mr. MONDELL. The last I heard of it it had not passed, I will say to the gentleman.

Mr. MANN. It was up for consideration in the Senate.

Mr. MONDELL. Well, I do not know as to that.

Mr. MANN. I do.

Mr. MONDELL. The gentleman, as usual, is well informed.

Mr. MANN. But I would not say it passed, but that is my recollection, and I had supposed the gentleman would know. Now, there is quite a difference whether this bridge shall be paid for out of the reclamation fund or whether it shall be paid out of the general fund. I would like to ask the gentleman whether if this bridge is made necessary by reason of reclamation work, as stated in the report, and is to be paid out of the reclamation fund, why it should not be charged to the reclamation projects which cause the necessity for it?

Mr. MONDELL. Does the gentleman desire an answer to all the questions or the last question first?

Mr. MANN. I do not care how the gentleman answers them.

Mr. MONDELL. It is my personal opinion, and that was the view taken by the House committee, that the bridge should be constructed out of the reclamation fund, and it would follow without any specific provision in the bill, I think, that it would be charged to the projects using the water.

Mr. MANN. Then would the gentleman be willing to accept this amendment: "Provided further, That the amount of the reclamation fund so used shall be charged as a part of the cost of the reclamation project or projects, the construction and development of which have caused the necessity?"

Mr. MONDELL. I certainly should have no objection, because I have assumed if the bill passes that is what would follow—that is, that the Reclamation Service would have no other option than to charge it to the project using the water.

Mr. MANN. I think if the gentleman is willing to accept the amendment I shall not object, although I am very much afraid when the bill goes over to the other end of the Capitol and then comes back again it will come back with all the bill stricken out after the enacting clause and providing that the bridge shall be constructed out of the General Treasury funds.

Mr. MONDELL. I do not think we should have a change of that kind.

Mr. FITZGERALD. The report on this bill shows the construction of this dam has affected the conditions of travel only two months in the year, or two and a half months. Why should the United States pay one-half the cost of building the bridge?

Mr. MONDELL. The gentleman indicates that he gives greater weight to the report of the Reclamation Service than to the report of the committee.

Mr. FITZGERALD. That may be true, but I assume those who made this investigation for the Reclamation Service were at least on the ground, and the members of the committee were not and could not have been.

Mr. MONDELL. If the gentleman will allow me, because I am very familiar with the conditions—

Mr. MANN. There are instances where a bridge is only needed one month in the year, yet it has to be built.

Mr. FITZGERALD. It will not be needed when this railroad is completed, and they think it may be built in a short time.

Mr. MONDELL. The building of a railway has nothing to do with it.

Mr. FITZGERALD. There is another matter. The gentleman suggests he is willing to have the cost of providing the bridge apportioned to those who have taken up lands under the reclamation projects. If I read the report correctly, the lands irrigated from this particular reservoir are located outside the State of Wyoming.

Mr. MONDELL. Yes; but I will say to the gentleman that on the reclamation project known as the Shoshone project in my State the Reclamation Service has spent over \$60,000 for roads and bridges, which have been charged to settlers in my State.

Mr. FITZGERALD. If they have that power, why not exercise it in this instance?

Mr. MONDELL. They feel that they have reached a rather shadowy zone. They think they have the power to do this, but the bridge is some distance from the reservoir on one side and some distance from the land to be irrigated on the other, and the service did not feel, under the circumstances, like taking the responsibility for doing what it would have done if the crossing had been in the immediate vicinity of the work, although the fact that there is some distance between the reservoir and the land irrigated should not in justice change the situation at all.

Mr. FITZGERALD. What per cent of the portion of the lands irrigated would be affected and to what extent would the value of the lands that would be taken be affected?

Mr. MONDELL. I assume there are at least 200,000 acres of land that will be irrigated from the waters of the Snake River.

Mr. MANN. They can afford to build a bridge.

Mr. FITZGERALD. Then this bill provides that this money should be paid out of the reclamation fund. My recollection is that the reclamation fund was depleted, and the Congress was required to advance not less than \$20,000,000, and the issuance of bonds for the purpose of obtaining that money was authorized.

Mr. MANN. The reclamation fund is constantly having money poured into it.

Mr. FITZGERALD. And more constantly having it poured out.

Mr. MONDELL. It would simply be charged against the project, and there is money in the fund.

Mr. MANN. I believe in charging money against the project.

Mr. FERRIS. I would like to hear the amendment of the gentleman from Illinois again. I think I am opposed to the whole performance here.

Mr. MANN. The amendment is:

Provided further, That the amount of the reclamation fund so used shall be charged as a part of the cost of the reclamation project or projects, the construction or development of which have caused the necessity for such bridge.

Mr. FERRIS. Are the settlers in that particular project able to have any more piled to their present charge per acre for irrigation service?

Mr. MANN. If we believe—

Mr. FERRIS. I am opposed to passing a bill by unanimous consent, letting the reclamation fund, which belongs to the various States, any longer to be diverted and sent off on different missions. Surely no one intended the reclamation fund to be used for bridges, roads, and so forth.

Mr. MANN. That is the purpose of this amendment.

Mr. FERRIS. For instance, our State contributed about \$6,000,000 to this fund and as yet has never had anything expended. We are anxiously asking that something be expended. Here we are appropriating \$20,000,000 to reimburse a depleted fund, and they come along here and ask to build a bridge out of it.

Mr. MONDELL. If the gentleman has studied the question, he will see that we are not depleting the fund. The gentleman certainly does not want the irrigation of lands to interfere with

the highways of those not interested or helped. Now, let me call the gentleman's attention to this fact, that no reclamation project has been built in the United States where it was not necessary to build roads and bridges. The gentleman certainly would not have the Reclamation Service tear up the whole countryside, dig great channels, and not restore the roads as they were. And the service is doing that all the time.

Mr. FERRIS. The gentleman would feel most gracious if he could get one cent in his State for irrigation and we would build our own roads and bridges.

Mr. MANN. That is what they all say in advance.

Mr. FERRIS. There is yet much land to irrigate, and here you are trying to build bridges out of the funds of the people and the Federal Government reclamation funds. No such diversion ought to be thought of or proposed seriously.

Mr. MONDELL. The settlers pay for this bridge.

Mr. MANN. As to the question of the lake, if the reservoir backs up the water so a bridge must be built, it seems to me it is properly chargeable to the cost of that project.

Mr. FERRIS. Let me ask the gentleman from Illinois a question. I was not in the committee when this bill was reported. If the gentleman's amendment is adopted, will every cent of the cost of that project be reimbursable and be returned to the reclamation fund, as the reclamation laws provide?

Mr. MANN. It will.

Mr. FOSTER. That is, outside of the State of Wyoming.

Mr. MANN. It will all be returned, the same as in other reclamation projects.

Mr. FERRIS. We will have, you think, as good an opportunity to get this back as we have the other spent for legitimate reclamation?

Mr. MANN. A better opportunity to get this back than most of them.

Mr. FERRIS. There is such a thing as demanding so much of a settler he will never pay any part of it. What does the project cost per acre in this particular project?

Mr. MONDELL. There are three or four projects in Idaho, and I think the highest is comparatively low.

Mr. MANN. The limit of this expenditure is \$18,000.

Mr. FERRIS. This is not to be taxed to three or four different projects, is it?

Mr. MONDELL. It will be charged to the land watered by water from the Snake River impounded in Jackson Lake.

Mr. FERRIS. Did the gentleman, or did he not, accept the amendment of the gentleman from Illinois?

Mr. MONDELL. Oh, yes; because I think that would do what would occur in any event.

Mr. TAYLOR of Colorado. If the gentleman from Oklahoma will yield—

Mr. FERRIS. I have not the floor.

Mr. TAYLOR of Colorado. The committee understood, as the gentleman from Wyoming said, that it would be chargeable to that project or to projects irrigated by the river below this project, and if there is any question about it, I think it would be perfectly proper to accept the amendment of the gentleman from Illinois.

Mr. FERRIS. If the amendment is adopted, so that the reclamation fund will be reimbursed, what is the amount per acre on top of the reclamation charge?

Mr. TAYLOR of Colorado. We have not figured that out. If there are 200,000 acres and you distribute \$18,000 over them, you can figure it out.

Mr. FERRIS. There probably is not that much. What acreage will this be assessed against?

Mr. MONDELL. I think one Government project on that river has 150,000 acres, and one of the private projects has almost as much, and there are other projects on the river besides.

Mr. FERRIS. What would be the legal effect of incorporating an amendment on this bill now imposing a charge on the settlers after they already had an irrigation ditch constructed for them? How could we legally impose such a condition upon them?

Mr. MONDELL. Those charges are being added all the time.

Mr. FERRIS. I have this in mind: Suppose I, as a settler, go into an irrigation scheme with the Federal Government, and I agree to reimburse the Federal Government for its outlay in 10 annual installments, and the Federal Government agrees with me that the cost will not be more than \$60 an acre, or whatever the cost may be—a definite sum. Then can such an amendment as the gentleman from Illinois suggests add on five, ten, or fifteen dollars more per acre without my consent?

Mr. TAYLOR of Colorado. They are doing that all the time.

Mr. FERRIS. If that be the case, this will result in only one thing, and that is the diverting of \$18,000 from the reclamation fund.

Mr. MONDELL. It is not diversion of the fund, but use of the fund for an entirely proper purpose.

Mr. SMITH of Texas. This is a part of the legitimate cost of the project.

Mr. FERRIS. But what has the gentleman to say about this proposition: Suppose five years ago the Federal Government went out into Wyoming, or into Arizona, or wherever it is, and put in a reclamation project under a contract that they should have that irrigation done at \$34 an acre, for example. What right has the Federal Government to come in later and say, "You must pay your proportionate part for a bridge costing \$18,000 in addition"?

Mr. SMITH of Texas. Mr. Speaker—

The SPEAKER. Does the gentleman from Oklahoma yield to the gentleman from Texas?

Mr. FERRIS. I do not think I have the floor, Mr. Speaker.

Mr. MONDELL. Would not the Reclamation Service under such circumstances have the right to change the amount to be paid by each settler?

Mr. MANN. The Reclamation Service has not the power to do that.

Mr. SMITH of Texas. But the Reclamation Service can not foresee the total cost of these projects. A great many things arise after they begin construction and after they have contracted with the farmers and water users—things that they can not foresee—and the cost of the project may be much more than it was estimated it would be in the beginning. And yet the contracts with the water users are being adjusted from time to time to cover these additional costs, and this is not at all unusual. Really this is an advantage to—

Mr. FERRIS. How many bridges has the Government built out of the reclamation fund, in the past 10 years, of \$60,000,000 they have expended?

Mr. SMITH of Texas. About 32 projects are being constructed—

Mr. FERRIS. How many bridges?

Mr. SMITH of Texas. I do not know as to that.

Mr. MARTIN of South Dakota. Mr. Speaker, I think I can throw some light on that if the gentlemen care to know. The building of bridges is a common necessity in these irrigation works. For instance, in the Bellefourche project in my own State there is what is called the main diversion canal, which carries the water from the river to the storage reservoir—6 miles—and that crosses a public highway, because of the existing public highways, every mile. It goes through a country where no bridges were needed until they cut that deep and wide canal, and in the construction of the irrigation enterprise the Government would, of course, put a bridge over the canal on every highway where they constructed a canal through; otherwise the highways could not be used.

Mr. FERRIS. Do they do that as a part of the original project or after the project is completed?

Mr. MARTIN of South Dakota. They did it as part of the original project.

Mr. FERRIS. That is another matter altogether and not in point. The facts stated do not fit this case at all. This is simply a case of diverting funds, and it ought not to be done now or in the future. There has been too much favoritism already in that fund. I think, Mr. Speaker, we had better not divert any more of this fund. If they have general power to build roads and bridges it ought to be taken from them at once. As soon as I get time I think I shall interest myself in that matter and try to repeal any such powers.

Mr. MONDELL. I will say to the gentleman that roads and bridges are constructed, being built by the Reclamation Service, where in the construction of their works they flood roads or otherwise render them difficult or impassable. In this particular case the service does not consider the damage done so direct that they are justified in building the bridge or contributing toward it without the direction of Congress.

Mr. FERRIS. I object, Mr. Speaker.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] objects, and the bill is stricken from the calendar.

RAILWAY THROUGH CERTAIN PUBLIC LANDS, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23837) to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Clinton & Oklahoma Western Railway Co., a corporation created under and by virtue of the laws of the State of Oklahoma be, and the same is hereby, empowered to survey, locate,

construct, maintain, and operate a railway, telegraph and telephone lines through the following public lands, to wit: The southwest quarter of section 29, township 14 north, range 20 west of the Indian meridian, and the southeast quarter of section 30, township 14 north, range 20 west of the Indian meridian, in the State of Oklahoma, upon such line or lines as may be determined and approved by the Secretary of the Interior.

SEC. 2. That said corporation is authorized to occupy and use for all purposes of railway, telegraph and telephone lines, and for no other purpose, a right of way 50 feet in width through said public lands, reserved for Indian school purposes, with the right to use such additional ground where cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the land herein authorized to be occupied shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the United States: *Provided further*, That before the said railway company shall be permitted to enter upon any part of said public lands a description by metes and bounds of the land herein authorized to be occupied or used shall be approved by the Secretary of the Interior: *And provided further*, That the said railway company shall comply with such other regulations and conditions in the maintenance and operation of said road as may from time to time be prescribed by the Secretary of the Interior.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this bill is to grant a right of way to a railroad company to construct and operate a railway through certain public lands. There is no provision requiring that any compensation shall be paid by the railway company for the use of this 150-foot strip. Would not the gentleman from Oklahoma be willing to amend the bill so that the railway company shall pay what shall be reasonably fair for this land?

Mr. MORGAN. Mr. Speaker, I will state that on the 22d day of June, 1910, Congress enacted a law granting a right of way through an Indian reservation to an electric railroad without requiring the company to pay for the right of way. In drawing up this bill I followed the precedent of that bill.

Mr. MANN. How wide was that right of way?

Mr. MORGAN. That was 50 feet.

Mr. MANN. And this is 150 feet.

Mr. MORGAN. No; only where they have sidetracks. It is 100 feet following the general route of the railway.

Mr. MANN. This is 100 feet, then. The gentleman thinks that because we imprudently gave away a strip 50 feet wide, therefore we should imprudently give away another strip 100 feet wide?

Mr. MORGAN. I will state, Mr. Speaker, that this little reservation is probably 50 or 60 miles from a railway. There is a company trying to build a little railroad up through that country. The citizens and the farmers generally donate the roadway and the towns give a big bonus. It is difficult to get capital to work there. I do not think the railroad would have any serious objection to the amendment suggested by the gentleman from Illinois.

Mr. MANN. I have already discussed the matter with the gentleman from Oklahoma and told him that I should object unless he offered an amendment. I presume the gentleman has the amendment, and if he does not offer it I shall object.

Mr. MORGAN. In view of the possibility of it being objected to on that ground, I have prepared an amendment, which I will offer.

The SPEAKER. Is there objection to the further consideration of the bill.

There was no objection.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 8, after the word "lands," insert the words "for Indian school purposes."

The committee amendment was agreed to.

The Clerk read as follows:

On page 2, line 8, strike out the word "fifty" and insert the words "one hundred."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 12, after the word "roadbed," insert the words "and sidetracks," and in line 13, after the word "hundred," insert the words "and fifty."

The committee amendment was agreed to.

The Clerk read as follows:

On page 3, line 2, after the word "the," insert the word "construction."

The committee amendment was agreed to.

Mr. MORGAN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend, line 4, page 3, by striking out the period after the word "interior," and insert the following words, to wit, "and pay for such

roadway the appraised value therefor, which shall be ascertained under such rules and regulations as shall be prescribed by the Secretary of the Interior, and the proceeds thereof shall be used by the Secretary of the Interior for the use and benefit of the Cheyenne and Arapahoe school.

Mr. FOSTER. Mr. Speaker, may I inquire of the gentleman if the word "roadway" includes the sidetracks as well as the roadway in his amendment? It simply says "the roadway." I would like to ask whether that includes the side tracks?

Mr. MANN. There would be no side tracks unless there was a station.

Mr. MORGAN. I should think the side tracks would be a part of the roadway.

Mr. FOSTER. Would not the gentleman be willing to amend the amendment by including side tracks?

Mr. MORGAN. Yes.

Mr. STEPHENS of Texas. Mr. Speaker, I do not think that is necessary. The only difference is that the ordinary roadway is 100 feet wide, and where there are side tracks required it is 150 feet wide, so it is all roadway; the whole matter is under the control and discretion of the Secretary of the Interior.

Mr. FOSTER. The only question is whether the word "roadway" includes all the side tracks.

Mr. STEPHENS of Texas. I think if the gentleman examines lines 12 and 13, page 2, where it provides for the construction and maintenance of the roadbed and side tracks not exceeding 150 feet in width, he will see that they are both included.

Mr. FOSTER. It says "the roadway 100 feet," and then it speaks about the "roadbed and side tracks."

Mr. STEPHENS of Texas. The gentleman understands that it is all the same construction, the only difference being that where there are side tracks the roadway is 150 feet wide, and the other parts of the road are only 100 feet wide.

Mr. FOSTER. As long as you use the words "roadbed and side tracks" it seems to me that the words "side tracks" ought to go into the amendment.

Mr. STEPHENS of Texas. I do not think it is necessary.

Mr. FOSTER. Is the gentleman from Oklahoma willing to include the words "side tracks" in his amendment?

Mr. MORGAN. Yes. Mr. Speaker, I move to amend the amendment by inserting after the word "roadway" the words "and side tracks."

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Insert, after the word "roadway," in the first line of the amendment, the words "and side tracks."

The amendment to the amendment was agreed to.

The SPEAKER. The question now recurs on the amendment as amended.

The question was taken, and the amended amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MORGAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COUNCIL FOR NATIONAL DEFENSE.

The next business on the Unanimous Consent Calendar was the bill (H. R. 1309) to establish a council of national defense.

The Clerk read the bill at length.

Mr. HAY. Mr. Speaker, I reserve the right to object.

Mr. Sisson. Mr. Speaker, I will object. If the gentleman from Alabama wishes, I will reserve the right to object.

Mr. HAY. Mr. Speaker, I reserved the right to object for the purpose of asking the gentleman from Alabama a question.

The SPEAKER. The gentleman from Mississippi [Mr. Sisson] and the gentleman from Virginia [Mr. HAY] both reserve the right to object.

Mr. HAY. I would like to ask the gentleman from Alabama if he would object to having this bill, in the event it is now considered by the House, referred to the Committee on Military Affairs? In view of the fact that there is more of the national defense under the jurisdiction of the Committee on Military Affairs than there is under the committee which considered this bill, does not the gentleman think that it ought to be referred to the Committee on Military Affairs?

Mr. HOBSON. Does the gentleman mean that it shall be referred to the Committee on Military Affairs for a report?

Mr. HAY. Yes; referred to the committee for its consideration.

Mr. HOBSON. Will the gentleman be kind enough to state what changes or amendments he would like made to it?

Mr. HAY. It is impossible for me to do that, but I would like to have the Committee on Military Affairs have an opportunity to consider the bill and to make any changes in it that the Committee on Military Affairs might deem advisable.

Mr. HOBSON. The gentleman is perfectly correct in saying that the Committee on Military Affairs is very largely involved in the bill, as is a number of other committees, including the Committee on Foreign Relations, the Committee on Appropriations, as well as the Naval Committee. Of course, any one of these committees would have legitimate jurisdiction. I requested its reference to the Naval Committee. I do not see why the gentleman should ask it to be sent to his committee any more than to have it sent to the various other committees involved. I would have no objection, except as a matter of time.

Mr. HAY. I would have no objection to its being considered by the Committee on Foreign Affairs or the Committee on Appropriations.

Mr. MANN. Does not the gentleman think it ought to be sent to the Committee on Public Safety? [Laughter.]

Mr. HAY. Yes; if there was such a committee, I think it should be. But if the gentleman objects to that course being taken, I should be compelled to object to the present consideration of the bill.

Mr. HOBSON. The gentleman recognizes that if it is referred to the Committee on Military Affairs that is equivalent to its not being considered.

The SPEAKER. The matter is not debatable. The gentleman from Virginia objects, and the bill will be stricken from the calendar.

MAKING ASHTABULA, OHIO, A SUBPORT OF ENTRY.

The next business on the Calendar for Unanimous Consent was the bill (S. 2228) to establish Ashtabula, Ohio, a subport of entry in the customs collection district of Cuyahoga, Ohio, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That Ashtabula, Ohio, be, and the same is hereby, established a subport of entry in the customs collection district of Cuyahoga, Ohio, and that the privileges of the first section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the said subport of Ashtabula, Ohio.

The SPEAKER. This bill is on the Union Calendar.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent to consider it in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

LIFE-SAVING APPARATUS ON OCEAN-GOING STEAMERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24025) to amend sections 4400 and 4488 of the Revised Statutes of the United States relating to the inspection of steam vessels, and section 1 of an act approved June 24, 1910, requiring apparatus and operators for radio communication on certain ocean-going steamers.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4400 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 4400. All steam vessels navigating any waters of the United States which are common highways of commerce or open to general or competitive navigation, excepting public vessels of the United States, public vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of this title.

"And all foreign private steam vessels carrying passengers to or from any port of the United States to any other place or country shall be subject to the provisions of sections 4417, 4418, 4421, 4422, 4423, 4424, 4470, 4471, 4472, 4473, 4479, 4482, 4488, 4489, 4496, 4497, 4499, and 4500 of this title, and shall be liable to visitation and inspection by the proper officer in any of the ports of the United States respecting any of the provisions of the sections aforesaid.

"That there shall be collected and paid into the Treasury of the United States the same fees for the inspection of foreign passenger steamers carrying passengers from the United States that any foreign nation shall charge the merchant vessels of the United States trading to the ports of such nationality: *Provided*, That the Secretary of Commerce and Labor shall have the power to waive at any time the collection of such fees upon due notice of the proper authorities of any country concerned that the collection of fees for the inspection of American steam merchant vessels has been discontinued."

SEC. 2. That section 4488 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 4488. Every steamer navigating the ocean or any lake, bay, or sound of the United States shall be equipped with such lifeboats, floats, rafts, life preservers, ring buoys, water lights, ring-buoy lights, line-carrying projectiles, and the means of propelling them, and such other

life-saving and fire-fighting devices as will best secure the safety of all persons on board such vessel in case of disaster, and in addition thereto steamers navigating the ocean shall be provided and equipped with a sufficient number of seaworthy lifeboats to carry and transport at one time every passenger and every member of the crew licensed to be carried on board such vessel, and every such vessel shall have such lifeboats provided and equipped with suitable boat-disengaging apparatus so arranged as to allow such boats to be safely launched while such vessel is under speed or otherwise, and so as to allow such disengaging apparatus to be operated by one person, disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water; and every vessel shall be equipped with a searchlight of sufficient power to be an efficient aid in the safe navigation of said vessel in the nighttime.

"The Board of Supervising Inspectors shall fix and determine by their rules and regulations the character and equipment of lifeboats, floats, rafts, life preservers, ring buoys, searchlights, water lights, ring-buoy lights, line-carrying projectiles and the means of propelling them, and such other life-saving and fire-fighting devices that shall be used on such vessels, and also the character and capacity of pumps or other appliances for freeing the steamer of water in case of heavy leakage, the capacity of such pumps or appliances being suitable to the navigation in which the steamer is employed, but shall have no discretion whatever with respect to the number of lifeboats on steamers navigating the ocean, such number to be determined solely by the actual capacity of such lifeboats to carry and transport at one time all of the passengers and members of the crew licensed to be carried on board the vessel.

"Every vessel subject to the provisions of this title shall, while in operation, carry one life preserver for each and every person allowed to be carried on said vessel by the certificate of inspection, including each member of the crew. It shall be unlawful for any such vessel to sail from any port of the United States without first obtaining from the local inspectors a certificate specifying the number of passengers and crew licensed to be carried on board, and that such vessel is fully equipped as hereinbefore provided.

"Every captain, owner, and charterer of such vessel, and, when the owner or charterer shall be an association or corporation, every executive officer and every resident general agent of such association or corporation for the time being actually charged with the control and management of the operation, equipment, or navigation of such vessel, who shall knowingly and willfully cause or allow or permit such vessel to sail from any port of the United States without being equipped as hereinbefore provided, and without obtaining the certificate hereinbefore provided, shall, upon conviction, be fined not less than \$1,000 nor more than \$5,000, and may, in addition thereto, be imprisoned not exceeding 10 years, in the discretion of the court.

"Any person who knowingly or willfully manufactures or sells, or offers for sale, or has in his possession with intent to sell, life preservers containing metal or other nonbuoyant material for the purpose of increasing the weight thereof, or more metal or other such material than is reasonably necessary for the construction thereof, or who shall so manufacture, sell, offer for sale, or possess with intent to sell, any other material commonly used for the preservation of life or the prevention of fire on board vessels subject to the provisions of this title, which articles shall be so defective as to be inefficient to accomplish the purposes for which they are respectively intended and designed, shall, upon conviction, be fined not more than \$2,000 and may, in addition thereto, in the discretion of the court, be imprisoned not exceeding five years."

SEC. 3. That section 1 of an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, be amended so that it will read as follows:

"SECTION 1. That from and after July 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and carrying 50 or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least 100 miles, day or night, under all conditions of atmospheric disturbance when it is safe for the operator to work the set. An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least 100 miles, day or night, under all atmospheric conditions safe for an operator to work.

"The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of \$100.

"That the provisions of this section shall not apply to steamers plying only between ports less than 200 miles apart."

SEC. 4. That this act, so far as it relates to the Great Lakes, shall take effect on and after April 1, 1913, and so far as it relates to ocean-going cargo steamers shall take effect on and after July 1, 1913.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. JONES. Mr. Speaker, reserving the right to object, I desire to make a statement. There are a number of us who, notwithstanding that this is a very important bill and one that ought to be considered at some length, will raise no objection to its consideration provided an amendment I desire to offer is acceptable to the committee. I have submitted this amendment to the gentleman from Missouri [Mr. ALEXANDER], who is chairman of the committee, and he agrees with me that it ought to be adopted. I will read the amendment for the information of the House, and I wish to add that so far as I am concerned, if it can be understood that it will not be opposed, but will be accepted by the committee when the time comes to offer it, I shall not oppose consideration of the bill. Otherwise I shall feel obliged to do so.

I propose to amend section 2, on page 3, in line 18, by inserting after the word "ocean" the words:

Except such as are exclusively engaged in fishing, which steamers shall only be equipped with such boats as in the opinion of the Board of Supervising Inspectors are adequate to the safety of every member of the crew licensed to be carried on such fishing steamers.

The section as drawn would require that all fishing steamers on both the Atlantic and Pacific coasts should be equipped with life boats, although they are not licensed to carry passengers, and, as a matter of fact, do not carry passengers. There are a great many important fishing industries located along both these coasts that own steamers engaged exclusively in the fishing business.

These steamers carry on the average, I think, from 25 to 30 men in their crews. Each one is equipped with large seine boats, built after the style of whaling boats, which are regarded by the sailors who use them as being stronger and safer than so-called lifeboats. If they were required to carry lifeboats they would have no place to put them unless they discarded the seine boats, and then, of course, they would have to go out of the fishing business. No one of the steamers carries less than two boats, and these boats are capable usually of carrying as many as 50 or 60 men. I know that some of them are capable of carrying 60 persons, and I think they are all about the same size and capacity, so that one of them is capable of carrying double the total number of the crew of the steamer. If the steamers were required to carry lifeboats, no sailor would ever in case of disaster enter one of them, for he would prefer the boat which he has been accustomed to all of his life.

Mr. FITZGERALD. Would these boats not be construed to be lifeboats within the meaning of this act?

Mr. JONES. I think not.

Mr. FITZGERALD. Why not?

Mr. JONES. I have not examined the law which this bill amends, but I think the lifeboats are required to be constructed in a certain way—with water-tight compartments, for instance.

Mr. FITZGERALD. I think not. I think the term "lifeboat" is a generic term, used to designate boats carried on vessels to be used in case of emergency.

Mr. JONES. These are not carried, I would say, primarily for the purpose of saving life, but for the purpose of laying out seines.

Mr. FITZGERALD. And are of the type of lifeboat?

Mr. JONES. They are so constructed that they are, in fact, excellent lifeboats, but I do not think of the type prescribed by the regulations for what are known in the law as lifeboats.

Mr. MANN. Would not this bill also require, if they were lifeboats, that the vessels should carry suitable boat-disengaging apparatus, so that these boats could be launched while the vessel was under full speed?

Mr. JONES. I think that is true.

Mr. MANN. That is impossible on a fishing boat.

Mr. JONES. Yes. And yet, of course, these steamers have apparatus by which their boats are lowered, because in the fishing season they are constantly lowered. The seines are laid out by the boats and not by the steamers. As soon as the look-out on the steamer reports the presence of a large school of fish, the boats are lowered into the water and they carry the seines around the fish. These seines are called purse nets, because they are constructed after the fashion of the old silk purse.

I am somewhat familiar with this subject, because the menhaden fishing industry is a very large and important one, and there are a great many fishing steamers owned in the district which I have the honor to represent. In one little town in my district there are perhaps as many as 20 or 30 of them owned.

Another objection to requiring fishing steamers to have lifeboats, although that which I have given is an insuperable objection, is that there is at this time such a demand for lifeboats that it would be impossible to procure them for several months to come. The fishing season would be over before they could possibly be procured, which would result in immense loss to the owners of the steamers and throw thousands of sailors and other employees out of work.

Mr. Speaker, therefore, with the understanding that the committee will accept my amendment when the time comes to offer it, I shall make no objection to the consideration of the bill.

Mr. MANN. Mr. Speaker, I still reserve the right to object.

Mr. WEEKS. Mr. Speaker, I reserve the right to object.

Mr. MOORE of Pennsylvania. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Illinois, the gentleman from Massachusetts, and the gentleman from Pennsylvania reserve the right to object.

Mr. MANN. Mr. Speaker, I had intended to ask a question or two about this bill, but I think it is too important a measure to pass by unanimous consent. There are a good many things in it that probably ought to be amended and certainly ought to receive special consideration, therefore I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. ALEXANDER. Mr. Speaker, I hope the gentleman from Illinois will not object. I think he is aware that the calendar is in such a condition that it is hardly possible for us to get this measure up on a call of committees on Calendar Wednesday, and if there are any amendments suggested that meet the approval of the House I certainly will not oppose them, and as this is a matter of large public importance, one that demands consideration, I hope the gentleman from Illinois will not object. If he has any amendments to suggest, I am sure the House will take time to consider them, and if they meet the approval of the House they will be adopted.

Mr. MANN. Mr. Speaker—

The SPEAKER. Of course this conversation is taking place by unanimous consent.

Mr. MANN. Well, I reserved the right to object. It is now after 3 o'clock and the House has been in session on the Unanimous Consent Calendar for four hours and the Unanimous Consent Calendar has not been half completed. If this bill were taken up for consideration, it will occupy the balance of this afternoon and for some time probably besides that, and it seems to me that is hardly fair to the other gentlemen who have bills on the Unanimous Consent Calendar. I do not have any, but the gentleman has some other bills on the calendar, one of which I believe duplicates a part of this.

Mr. ALEXANDER. No; it is not on the calendar.

Mr. MANN. I think this bill requires some things which the Government of the United States has no right to require and requires some of doubtful propriety, although I would have no objection whatever for the consideration of the bill if time would permit. Therefore I feel constrained to object.

The SPEAKER. The gentleman from Illinois objects. The Clerk will report the next bill.

BRIDGE ACROSS RUSSELL FORK OF BIG SANDY RIVER, MILLARD, KY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23461) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at or near Millard, Ky.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted for the fiscal court of Pike County, Ky., to construct, maintain, and operate a bridge across the Russell Fork of the Big Sandy River, at a point suitable to the interests of navigation, at or near Millard, in the county of Pike, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Of course, the bill H. R. 24025 is stricken from the calendar.

BRIDGE AT OR NEAR COUNCIL BLUFFS, IOWA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21290) to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended.

The Clerk read as follows:

Be it enacted, etc., That the act to authorize the Central Railroad & Bridge Co. to construct a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908, and amended February 27, 1909, and June 25, 1910, is hereby amended so as to give to the Central Bridge Co., of Council Bluffs, Iowa, all the authority and rights granted under said act, if the actual construction of the bridge authorized by said act is commenced within one year and completed within three years from the date of the passage of this act.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. RAKER. Mr. Speaker, I reserve the right to object.

Mr. MANN. Does the gentleman from California desire to ask something on this bill?

Mr. RAKER. Yes; I would like to have an explanation from the gentleman in charge of it.

Mr. GREEN of Iowa. I would be pleased to give an explanation.

Mr. ADAMSON. I yield to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, in order that gentlemen may fully understand the nature of this bill and the rea-

sons for introducing it I will have to make a brief statement concerning it. Council Bluffs, as gentlemen of the House are doubtless aware, has seven great trunk lines centering into it, largely engaged in transcontinental traffic. Five of those lines use this bridge exclusively, one uses it to a large extent, and one other of those lines, the Illinois Central, uses another bridge a considerable distance north of the city, which is not available for general purposes.

Mr. ADAMSON. If the gentleman will permit me to suggest to him, I think two or three gentlemen are laying for me now to ask me why you have not built this bridge sooner and why you have had to ask for a renewal of the grant three or four times, and while the gentleman is on the floor I hope he will furnish me the information, or to the House, before they ask me to explain to them why it is you have had to come back three or four times for a renewal of the grant.

Mr. GREEN of Iowa. I was just coming to the matter to which the gentleman alludes. The construction of a bridge there is a very important matter, and likewise it is a very expensive matter. It costs in the neighborhood of a million and a half dollars to build a bridge there, as I understand, and it is not easy to raise the money. This company has heretofore been given leave to construct this bridge, but was unable to raise the funds within the time fixed. It is a great undertaking to provide the necessary funds, and the reason for its necessity is that this bridge, which now extends to Council Bluffs and which is used by these trunk lines for all this enormous traffic which passes over it, is wholly insufficient for that purpose. Transcontinental traffic is often delayed as much as two hours—even mail trains and passenger trains—and sometimes longer on account of the congestion of traffic over this bridge. On account of the transcontinental traffic, either mail, passenger, or freight, we ought to be willing to give an opportunity to some one to construct another bridge, as the Union Pacific Railroad so far does not seem willing to give the additional facilities which are necessary to accommodate this traffic. The large amount of money that is to be raised and the fact that this local company seems to be the one that is undertaking, and the only one that is willing to undertake it, has made considerable difficulty in raising the necessary funds. About the time they got their arrangements made and completed the time expired, and—

Mr. RAKER. Will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. RAKER. I see this act was authorized back on February 1, 1908. Has there been any effort made to build the bridge or any work done up to the present time?

Mr. GREEN of Iowa. There has been no work done or this act would not be necessary.

Mr. RAKER. Well, they might have started work and not completed it within the time of the act.

Mr. GREEN of Iowa. That is true, but there has been no work done except the work of endeavoring to finance it.

This proposition is not quite as alluring an opportunity to finance as we might wish, owing to the fact that the traffic over the bridge might be largely under the control of the Union Pacific Railway Co. Nevertheless, the urgent necessity for the bridge exists, not only for this railway traffic, but also as a means of communication between the cities. And it is the urgent desire of the cities of Omaha and Council Bluffs that this bridge be constructed, and that further opportunity should be given to this company to enable them to proceed with the construction.

Mr. RAKER. The gentleman would consent, undoubtedly, to add at the end of this act, on line 3, page 2, the following amendment, to be known as section 2:

The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. GREEN of Iowa. That was in the original act, which was amended.

Mr. RAKER. We want it in this act, too.

Mr. GREEN of Iowa. Very well.

Mr. RAKER. You would consent to that, would you?

Mr. GREEN of Iowa. I will consent to that.

Mr. ADAMSON. That is in the old act?

Mr. GREEN of Iowa. Yes.

Mr. RAKER. This is a new one now.

Mr. GREEN of Iowa. I hope, on account of the urgent need for this bridge, the gentleman will not insist on an objection. The company believes that it now has the arrangements made to obtain the necessary funds to construct the bridge.

Mr. ADAMSON. There seems to be no other reservation, Mr. Speaker.

Mr. MANN. Mr. Speaker, I would like to offer an amendment as to the right to alter, amend, or repeal.

Mr. GREEN of Iowa. The gentleman from California [Mr. RAKER] has already asked that that be added, and I consented to it. Will the gentleman from California [Mr. RAKER] propose his amendment?

Mr. RAKER. We have not got the right yet to proceed.

Mr. ADAMSON. There is no objection, Mr. Speaker.

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

Mr. ADAMSON. I have no objection to adding another section to the effect "that the right to alter, amend, or repeal is expressly reserved."

Mr. RAKER. Mr. Speaker, I offer the following amendment:

Add a new section at the end of line 3, page 2, to read as follows:

"Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS RUSSELL FORK, MARROWBONE, KY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23460) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at Marrowbone, Ky.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted for the fiscal court of Pike County, Ky., to construct, maintain, and operate a bridge across Russell Fork of the Big Sandy River at a point suitable to the interests of navigation, at or near Marrowbone, in the county of Pike, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

CAPTURED AND ABANDONED PROPERTY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16820) to revive the right of action under the captured and abandoned property acts, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the right of action is hereby vested in the legal representatives of the original owner, if deceased, in the courts of the United States under the provisions of the captured and abandoned property acts, and the said acts be, and the same are hereby, revived for two years after the passage of this act, including all cases of seizure under said acts or under color thereof, without regard to the limitation in said acts: *Provided, however,* That when any of such claims have been filed with the Secretary of the Treasury or in the Court of Claims, or with Congress, or any committee thereof, and proof taken in relation thereto, the testimony so taken, whether upon the part of the United States or the claimant, when the witnesses are dead or can not be found, may be read in evidence as if taken regularly in the case.

SEC. 2. That the benefits of the foregoing section be, and the same are hereby, extended to those claimants whose claims have been adversely determined by said court upon the ground of disloyalty, and to all suits which have been instituted in said court for the proceeds of property under the provisions of said act of March 12, 1863, and the acts amendatory thereof, which have been heretofore dismissed by the Court of Claims for the want of jurisdiction thereof or other cause; and all suits for the proceeds of such property which have been so rejected or dismissed by said court for want of jurisdiction or other cause shall, on motion of the claimants or their heirs or legal representatives, be reinstated on the docket of the Court of Claims and proceeded with according to law under the provisions of this act.

SEC. 3. That all judgments rendered under said act shall be paid to the original owner or to his legal representatives by the Secretary of the Treasury as soon as may be after the same is rendered, out of any moneys in the Treasury not otherwise appropriated. All petitions filed under this act and by authority thereof shall be verified by the petitioner, and he shall make oath therein that nothing has been received for or on account of the said claim, or any part thereof, from the United States; and all of said petitions shall be heard, tried, and disposed of by said court within two years after the passage of this act; and all judgments rendered under said act, and any and all payments thereon, shall be free from claims of assignees in bankruptcy or insolvency of the original owner of said claim.

SEC. 4. That any and all departments of the Government shall furnish to the claimant or the counsel for the United States, in any and all claims filed in said court by virtue of this act, copies duly certified, under seal of the department, of any and all papers or documents in the custody of the department in respect to said claims which contain evidence in support or defense thereof.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in just what respect does this

differ from the so-called Bartlett amendment, which was inserted in the judiciary act conferring jurisdiction upon the Court of Claims?

Mr. BYRNES of South Carolina. The Bartlett amendment provided for the revival of the right of action in all cases wherein the property was taken after June 1, 1865. And this revives the right of action in those cases where the property was taken before June 1, 1865. It is reported unanimously by the War Claims Committee.

Mr. MANN. And removes the ground of defense of disloyalty?

Mr. BYRNES of South Carolina. As the chairman of the committee suggested to me, that defense never existed as to captured and abandoned property.

Mr. MANN. The bill expressly provides:

That the benefits of the foregoing section be, and the same are hereby, extended to those claimants whose claims have been adversely determined by said court upon the ground of disloyalty.

Mr. SIMS. If the gentleman will permit me, the decision of the court holding the question of disloyalty did not apply was subject to a great many definitions as to the charge of disloyalty.

Mr. BYRNES of South Carolina. Under the decisions of the court I do not think it would be necessary to prove loyalty in these cases. Reference to the decisions is made in the report of the committee, which reads as follows:

By the act of March 12, 1863, known as the captured and abandoned property act, and acts amendatory thereof, the Secretary of the Treasury was authorized to appoint special agents to collect captured and abandoned property in the States then in insurrection, the proceeds thereof to be paid into the Treasury of the United States. The act provided that the property to be collected under it "shall not include any kind or description which has been used, or which has been intended to be used, for waging or carrying on war against the United States, such as arms, ordnance, ships, steamboats, or other water craft, and the furniture, forage, military supplies, or munitions of war."

Nine districts were established, and an agent appointed for each. A large amount of property in the States in insurrection was seized and the proceeds, amounting to over \$30,000,000, reported to the Secretary of the Treasury. The money was treated as a trust fund under the control of the Secretary. Under joint resolution approved March 30, 1868, it was provided that all moneys derived from the sale of captured and abandoned property "which have not already been actually covered into the Treasury shall immediately be paid into the Treasury of the United States." The balance covered into the Treasury under this resolution was \$20,971,790.96.

The third section of the act of March 12, 1863, provided as follows: "Any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds, after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of such property, and any other lawful expenses attending the disposition thereof." (12 Stat. L., 820.)

Under this provision a considerable number of claims were preferred to the Court of Claims and judgments recovered.

The following is believed to be a substantially correct statement of the payments that have been made from the amount covered into the Treasury under the said resolution of March 30, 1868:

On judgments under act of Mar. 12, 1863	\$9,852,956.95
On judgments against Treasury agents	65,276.79
Disbursed for expenses under joint resolution of Mar. 30, 1868	242,140.34
Paid on special acts of relief	451,123.38
Paid by Secretary of Treasury under act of May 18, 1872	195,896.21
On judgment Court of Claims, Duffy, Report C. C., 24275	15,270.00
Under private act, 25 Stat., p. 1310	32,669.20
Under private act to Briggs, paid Mar. 20, 1894	88,104.21
Total	10,943,439.08

Deducting the above amount from the amount covered into the Treasury under the resolution of March 30, 1868, it will be seen that the sum now in the Treasury, and undisposed of, is \$10,028,351.88.

The sole purpose of this bill is to extend the limitation upon the jurisdiction of the Court of Claims for a period of two years to entertain suits to recover the proceeds of the property of claimants where it can be established that such proceeds were actually covered into the Treasury of the United States under the act of March 12, 1863, and the acts amendatory thereof, and at the same time to safeguard every right and proper interest of the Government. This money does not belong to the Government. Proper legislation should be enacted with a view to distributing same to its owners.

Many questions arose under the act of March 12, 1863, such as, "What constituted proof of loyalty?" "When was the rebellion suppressed?" and "When did the two years expire within which suit could be commenced?" All of which were vigorously contested, and in which the court ruled strictly and rigidly against the claimants, rendering appeals to the Supreme Court necessary, and by which the owners of the property were delayed or deterred from preferring their claims under the act.

In December, 1869, the Supreme Court of the United States decided, in *Anderson v. The United States* (9 Wall., 56), that the rebellion was suppressed on the 20th of August, 1866, the date of President Johnson's proclamation of pardon and amnesty, with restoration of civil and political rights, and the limitation of the right to commence suit took effect or expired on the 20th of August, 1868. And it thus appears that the period in which the claimants could bring suits to recover the net proceeds of their property had expired more than one year prior to the decision fixing the date of the close of the war was

announced and when it was too late for the claimants to derive any benefit from the decision.

It was not until 1871 that the Supreme Court gave full consideration to this act of March 12, 1863. In December of that year, in the case of *Klein v. The United States* (13 Wall., 128), the court decided—

(1) That it was not the intention of Congress by the enactment of that statute that the title to property seized under it should be divested from the loyal owners.

(2) That the proceeds of the property should go into the Treasury without change of ownership.

(3) That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal.

(4) That it was for the Government itself to determine whether those proceeds should be restored to the owner or not.

(5) That the President's proclamation of pardon and amnesty, with restoration of rights of property, and particularly that of July 4, 1868, was a decision on the part of the Government which decided affirmatively the right of the owners of such property to the proceeds thereof in the Treasury, and the restoration of the proceeds became the absolute right of the persons pardoned.

(6) And that "the Government constituted itself the trustee for those who by that act were declared entitled to the proceeds of captured and abandoned property, and for those whom it should thereafter recognize as entitled."

And in its opinion the court uses this language:

"That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act."

"We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree, as ships and other vessels captured as prize, were expressly excepted from the operation of the act, and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the Treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal appears probable from the circumstances that no provision is anywhere made for confiscation of it, while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act otherwise than by proceedings for confiscation."

"It is thus seen that, except as to property used in actual hostilities, as mentioned in the first section of the act of March 12, 1863, no titles were divested in the insurgent States unless in pursuance of a judgment rendered after due legal proceedings. The Government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombatant enemies from capture as booty of war. Even the law of confiscation was sparingly applied. The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale."

"We conclude, therefore, that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested from the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon."

"The restoration of the proceeds became the absolute right of the persons pardoned on application within two years from the close of the war. It was, in fact, promised for an equivalent. 'Pardon and restoration of political rights' were 'in return' for the oath and its fulfillment."

And then the court adds this strong language:

"To refuse it would be a breach of faith not less cruel and astounding than to abandon the freed people whom the Executive had promised to maintain in their freedom."

And in the prior case of *The United States v. Padelford* (9 Wall., 531) the court held that under the proclamation of pardon issued by President Lincoln, dated December 8, 1863, and the act of March 12, 1863, the Government is a trustee, holding the proceeds of the petitioner's property for his benefit, and having been fully reimbursed for all expenses incurred in that character loses nothing by the judgment which simply awards to the petitioner what is his own.

This decision in the *Klein* case settled the important questions in relation to the owners of captured and abandoned property and their rights under the act of March 12, 1863, and subsequent statutes relating to that subject, and it left nothing for Congress to do but provide a tribunal to which claimants might resort to establish their absolute right, in the language of the Supreme Court, to their share of the fund derived from the sale of such property.

In June, 1873, the case of *Haycraft v. The United States* was commenced in the Court of Claims to recover the net proceeds of certain property of the claimant. The suit was brought more than two years after the suppression of the rebellion, upon the theory that, as the Government held those proceeds in trust, as decided in the *Klein* case, it was liable outside of the act of March 12, 1863, upon an implied promise to pay to the claimant his portion of the fund; but the Court of Claims decided that the provision in that act limiting the right of the claimant to two years in which to prefer his claim was a limitation upon its jurisdiction, and thereupon it dismissed the petition. In January, 1875, this decision was affirmed by the Supreme Court, which held that the question was one of jurisdiction and not of limitation, and that Congress having legislated upon the subject, the Court of Claims did not possess jurisdiction to entertain suits of this character under an implied contract to refund to claimants the net proceeds of their property in the Treasury. (*Haycraft v. The United States*, 22 Wall., 81.)

While the *Haycraft* case was pending in the Court of Claims, and before its decision by the Supreme Court, a large number of suits were commenced in the former court upon the theory on which the *Haycraft* case was based, viz, that the Government was liable to the claimants for the net proceeds of their property, under an implied contract, and these cases were all continued upon the dockets of the court till the decision of the Supreme Court, to which we have referred, when they were all dismissed for want of jurisdiction.

Here, then, was the difficulty which existed—parties having rights which they were unable to enforce, for the reason that there was no tribunal to which to resort for their enforcement. It requires no argument to prove that a right may exist where there is no remedy for its enforcement, and this was, and is to-day, the precise predicament

of all persons claiming an interest in the captured and abandoned property fund. While the power of the Court of Claims in the premises had ceased to exist, the rights of the claimants had survived, and neither the court nor the claimants, in order to enable each to act, required anything more than this: *The one the privilege to sue and the other the right to entertain and determine such suits.*

To remedy the wrong which existed in this respect, and in order to make effective the decisions of the Supreme Court to which reference has been made, Congress enacted section 1059 of the Revised Statutes, giving the Court of Claims jurisdiction of four classes of claims. The fourth clause of said section reads as follows:

"Fourth. Of all claims for the proceeds of captured or abandoned property, as provided by the act of March 12, 1863, chapter 120, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' or by the act of July 2, 1864, chapter 225, being an act in addition thereto: *Provided*, That the remedy given in cases of seizure under the said acts, by preferring claim in the Court of Claims, shall be exclusive, precluding the owner of any property taken by agents of the Treasury Department as abandoned or captured property, in virtue or under color of said acts, from suit at common law, or any other mode of redress whatever, before any court other than the Court of Claims."

And Congress provided for the payment of any judgment the court might render in favor of claimants under said fourth clause by section 3689 of the Revised Statutes, which, under the head of "Permanent annual appropriations," among other things, provides as follows:

"For the return of proceeds from the sale of captured and abandoned property in insurrectionary districts to the owners thereof, who may, to the satisfaction of the Court of Claims, prove their right to and ownership of said property."

These provisions of the Revised Statutes construed together provided a complete and adequate remedy for the claimants under the act of March 12, 1863, and subsequent statutes relating to the subject. The statutes declare this was the law on the 1st of December, 1873, though they were not approved by the President till June 22, 1874, and were not published till in 1875. These provisions of the statutes were in force, though not published, when the Haycraft case, above cited, was decided by the Supreme Court, and it can hardly be doubted that the decision in that case would have been different if the court had been aware of the existence of the two clauses in sections 1059 and 3689 of the Revised Statutes.

To every unprejudiced mind the language of the fourth clause of section 1059 is clear and unambiguous, and requires no construction to arrive at the intention of the National Legislature. It could have had but one object, and that was to confer upon the Court of Claims a jurisdiction which had once existed and which Congress well knew had expired by limitation. While the provision confers no new rights upon those claiming the fund derived from the sale of their property, but, on the contrary, restricts those rights by making the jurisdiction exclusive, it provides a tribunal before which they can go to enforce existing rights, and that tribunal one specially provided for adjudicating claims against the Government. Acting upon the assumption that the Government can not be sued without its consent, the legal effect of the clause is to give that consent, with the proviso that the claimants shall be confined in the prosecution of their claims to the provisions of the acts of March 12, 1863, and July 2, 1864—that is to say, that they should only recover the net proceeds of the sale of their property after deducting all costs and charges. And this conclusion is strengthened when section 3689 is construed in connection with section 1059.

The act of March 12, 1863, provided for the payment of all judgments rendered under its provisions, and if by the fourth clause of section 1059 it was only intended to continue the jurisdiction of the Court of Claims as to suits then pending before it, then no additional legislation was necessary to provide for the payment of any judgments rendered by the court in favor of the claimants. Besides, the limitation of two years in the act of March 12, 1863, operated upon the claimants rather than upon the court. It gave them the two years in which to prefer their claims to the proceeds of their property, and the act nowhere provided that the jurisdiction of the court should terminate in two years, whether the cases then pending were disposed of or not. But when Congress came to confer a new jurisdiction upon the court, without limitation as to time in which suits might be commenced, in order to make the remedy effective it was necessary to make provision for the payment of any judgments obtained by the claimants, and this Congress did by the enactment of section 3689 of the Revised Statutes.

The Court of Claims, however, adhering to its habit of ruling rigidly against claimants in that court, took a different view of sections 1059 and 3689, and in the case of Mary A. Wade, administratrix, and B. M. Martel, syndic, held that Congress did not intend by the above sections to repeal the two years' limitations in the act of March 12, 1863, and that these sections would not admit of such a construction thus placing Congress in the ridiculous attitude of conferring jurisdiction upon the court and in the same clause limiting that jurisdiction to a period of time which had expired five years previously. This decision is based upon the ground "that the object of the revision of the statutes was not to change existing law, but to revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature, which shall be in force at the time the commissioners should make the final report of their doings," and that the commissioners, "instead of reenacting the full language, for conciseness and condensation merely referred to the act and provided that the court should have jurisdiction of all claims for the proceeds of captured or abandoned property, as provided in the act of March 12, 1863."

Without stopping to criticize further this decision of the Court of Claims, it is sufficient to say that it completely nullifies the fourth clause of section 1059 of the Revised Statutes and defeats the will of the lawmaking power as expressed by that provision of the law. So long as that decision stands, even were there no other obstacles in the way, no suits can be maintained in the Court of Claims for the recovery of any portion of the captured and abandoned property fund, and the doors of that court, as well as all other legal tribunals, are closed against the claimants.

This is the condition and state of the law bearing upon this subject at this time as construed and defined by the courts, and it seems apparent that if this captured and abandoned property fund is ever to be distributed to its owners some additional legislation is necessary to that end. If the title of the owners of the property seized and sold under the captured and abandoned property acts has never been divested, if the Government holds the net proceeds of the property thus sold without any legal title thereto and as trustee for the owners, and if the President's proclamation of pardon and amnesty, including restoration to civil and political right, was a decision on the part of the Govern-

ment which decided affirmatively the right of all owners of the property to the proceeds thereof in the Treasury, as the highest judicial tribunal of the Nation has decided, then in equity and good conscience it ought not to retain the money, and the honor and dignity of the Nation demand that some provision should be made by which the claimants of the fund may be enabled to enforce their rights thereto. For more than 30 years the Government has had the use of this money.

For more than 40 years the claimants have been appealing to Congress for relief, and if Congress in the discharge of more pressing duties has neglected this appeal, or if the remedy it provided has proved inefficacious, the stronger the reason for some action in this direction at the present time. The claimants are fast passing away, leaving as an inheritance to their children the prospect of litigation with their Government; and the witnesses upon whom the claimants must depend to establish their rights are being scattered and lost sight of, and to delay further is simply to rob and deprive these parties of their rights, some of whom are widows and orphans, while others are colored, or men of small means.

That Congress has from time to time felt the necessity for making some provision for the disposition of this fund is evident from the fact that at nearly every session special acts have been enacted for the benefit of claimants of this fund, thus doing justice to some at the expense of others; and it seems to your committee that common justice demands that a general law should be enacted by which all claimants to the fund may be relegated to some tribunal where they can establish their rights according to legal methods and each receive that portion of the fund to which he shows himself entitled.

Time and again favorable reports have been made by one House or the other upon bills having in view the same purpose as the bill now under consideration. In the Fifty-second Congress, first session, the Judiciary Committee of this House made such report on H. R. 455 (Rept. No. 1377).

In the Fifty-third Congress, second session, the Judiciary Committee upon a number of bills of like character adopted a report of the same committee made in the preceding Congress.

The same in the Fifty-fourth Congress, second session (H. Rept. No. 2568, from the Committee on War Claims, on H. R. 7618).

The same in the Fifty-fifth Congress, third session (S. Rept. No. 1634).

The same in the Fifty-seventh Congress, first session (S. Rept. No. 1292).

The same in the Fifty-eighth Congress, second session (S. Rept. No. 1861).

The same in the Fifty-ninth Congress, first session (S. Rept. No. 3290).

The same in the Fifty-ninth Congress, second session (H. Rept. No. 7540, from the Committee on War Claims, on H. R. 25400).

Your committee report back the bill and recommend its passage.

Mr. MANN. Mr. Speaker, when the House agreed to the Bartlett amendment a year or two ago, and in conference it went into the law, every claim agent and claim attorney in this town became as active as an ant in a squirming hive. They commenced to discover these claims. They have been working very hard ever since that time to get under all the claims that were allowed. This bill would take \$10,000,000 out of the Treasury, which would not go to anybody that it really belonged to, and therefore I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 8738) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. CURTIS, Mr. DILLINGHAM, and Mr. PAYNTER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appointed Mr. BURNHAM, Mr. WARREN, and Mr. BANKHEAD as the conferees on the part of the Senate.

PUBLIC BUILDING, HURON, S. DAK.

The next business on the Unanimous Consent Calendar was the bill (S. 6009) to increase the limit of cost of the United States post-office building at Huron, S. Dak.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost of the United States post-office building at Huron, S. Dak., be, and the same is hereby, increased \$6,000, or so much thereof as may be necessary to finish the walls of said building with the stone specified in the existing contract.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Tennessee [Mr. AUSTIN] why is the limit of cost recommended to be increased in this bill?

Mr. AUSTIN. I will ask the gentleman from South Dakota [Mr. MARTIN] to answer that question.

Mr. MARTIN of South Dakota. Mr. Speaker, the plans and specifications for this Government building called for the con-

struction of a building of what is known as New Bedford stone, and when the bids were in the lowest bid came within \$6,000, or about that, of constructing the building of that material. The Treasury Department then modified the plans so as to have the stone used on three sides and brick upon the fourth side, but reserved the right to substitute the stone called for in the contract.

This building is in the center of the town of Huron, a very slightly place, and if constructed without this increase of appropriation it would have to be constructed one side of brick and the other three sides of stone. The foundations are now in. It is an emergency item and is to be provided for at this session in order to preserve the symmetry of the building.

Mr. FITZGERALD. What is the limit of cost?

Mr. MARTIN of South Dakota. In the neighborhood of \$70,000 or \$75,000. I can not state it exactly offhand. It is in the home town of one of the Senators from our State, and I am not as familiar with the facts as I would be if it were otherwise.

Mr. FITZGERALD. Why should this building be of Bedford stone?

Mr. MARTIN of South Dakota. That is a good article of construction. The building should be uniform in architecture, otherwise it would be entirely out of symmetry. The department has recommended that the building be constructed as originally designed.

Mr. FITZGERALD. Mr. Speaker, this is one of a great many instances that have been called to my attention in this Congress in which the following situation develops: The Congress authorizes a public building and fixes the limit of cost; the building is designed and the specifications are prepared, and then it is said that the building can not be built within the limit of cost fixed by Congress. Either the building is so designed that it can not possibly be constructed within the limit of cost fixed by Congress or the materials selected are of such a character that they can not be obtained within the limit of cost.

The city of Boston is now asking an increase of \$300,000 in an appropriation—

Mr. MADDEN. It frequently happens in the construction of a building that you can not get plans and specifications made that will come exactly within the appropriation.

Mr. FITZGERALD. An increase of \$300,000 is asked in a building that should have cost \$1,500,000. After some investigation it appears, in my opinion, that the increase is necessary, because the architect proceeded upon the theory that the original appropriation asked for, \$1,800,000, should have been put into the building, although he was informed that the amount of money available would be \$1,500,000.

In the city of New York there is another building now under construction where bids were invited, and none of the bids were within the amount that the department asserted could be apportioned for the building. Alternates were then substituted, and the result was that the contract was finally awarded to one of the bidders who was not originally the low bidder. I suggested to the Secretary of the Treasury that he should either reject all the bids and invite new bids or else he should refer the matter to Congress before the contract was made; or if he made a contract for the building with the alternates substituted, it would be built in that way and no other. Within two or three days after the contract was made a representative of the architects visited me for the purpose of enlisting my aid in obtaining an appropriation of \$300,000 additional, to put back the items eliminated and to restore the situation to what it had been before the alternates were substituted.

I do not know how many other such instances there are, but it seems that the business of the Government in constructing these public buildings is so conducted that it is impossible to get the law obeyed and buildings constructed within the limit fixed by Congress. I have come to the conclusion that, so far as I am concerned, I shall not consent to increasing the cost of any public building in any instance except in cases where, after the building has been authorized, there arises such a change of conditions in the community as to necessitate increased accommodations over those contemplated when the authorization was originally made. Somebody should be responsible; somebody should be held responsible for these conditions.

If the gentleman from Illinois were to employ an architect to design a building and that architect came and recommended that he make a contract to erect a building, three sides of one character of construction or material and the other side of a different character of material, with a reservation in the contract that the owner might, if he desired, substitute on the fourth side the material that was to go on the other three sides, there would be a change of architects. If the gentleman from

Illinois would do otherwise under such conditions, I would be glad to hear him tell of it. It is absolutely indefensible that our public-building business should be conducted in such a manner as makes it ridiculous at times.

Mr. MADDEN. Is it not a fact, if this building is to be constructed in a public square, and three sides are to be built of stone and one side to be built of brick, that the effect would be incongruous?

Mr. FITZGERALD. It is ridiculous. If the specifications require a particular stone for construction and the bids are in excess of the limit fixed by Congress, some other material should be substituted.

Mr. MADDEN. Bedford stone is the cheapest stone in the United States, the most easily secured, the most easily cut, the most desirable in every way, and the best stone that can be used, aside from granite, for the construction of a building. It is almost as cheap as brick and very much more ornate and more lasting, and I do not think the gentleman from New York ought to stand here for a mere paltry sum of \$6,000 to destroy the beauty of a building of stone in the middle of a public square in the great city of Huron, S. Dak.

Mr. FITZGERALD. Unless we can have public buildings so designed and constructed that they can come within 10 per cent of the authorization before they are constructed, I am afraid I shall have to object.

Mr. MANN. Does not the gentleman think that he has feathers enough in his hat this time by not having a public building bill, so that he can let a few little trifling matters of chicken feed go through? [Laughter.]

Mr. FITZGERALD. The trouble about it, Mr. Speaker, is that there are a number of gentlemen who are in almost the same position. A whole procession of Members of the House can be found nearly every day between the floor of the House and the Committee on Appropriations asking for just such legislation as here proposed. We ought to have some knowledge of the number of cases that are to be attended to at this session of Congress, and how much such work will cost. My attention was called to a public building the other day, erected in a western State, occupied only three weeks, costing \$50,000, that was falling down. A request was made for an appropriation of \$20,000 or \$30,000 to put foundations under it to keep the building from collapsing. There are two or three cases before the committee where public buildings have been erected with entrances so far from the grade of the street that unless something is done to provide money to construct steps from the street to the building nobody will ever be able to get into them unless they are expert climbers. No business establishment of the Government should be constructed in this manner. I desire to fix the responsibility for such conditions. The situation is absolutely indefensible, and for the present I shall be constrained to object to this bill.

Mr. LLOYD. Mr. Speaker, may I ask the gentleman what is the size of this town?

Mr. MARTIN of South Dakota. Between 7,000 and 8,000 inhabitants now.

Mr. LLOYD. In 1910?

Mr. MARTIN of South Dakota. In 1910.

Mr. LLOYD. What are the receipts of the Government?

Mr. MARTIN of South Dakota. About \$30,000.

Mr. FITZGERALD. And \$75,000 is insufficient to give them the facilities in proportion to the public business!

Mr. AUSTIN. This bill is to give them a fourth side of stone instead of brick.

Mr. FITZGERALD. Well, the town is sufficiently small to enable all of them to approach the building from the three other sides. [Laughter.]

Mr. BURNETT. Mr. Speaker, as acting chairman of the committee, I desire to make a brief statement. I think the Committee on Public Buildings and Grounds has been very careful.

Mr. FITZGERALD. I am not criticizing the committee, but the situation.

Mr. BURNETT. I understand; but I want to state the situation. The committee has been very careful and conscientious in reporting anything that was not an emergency case. In this case the foundations of the building are almost completed and the entire superstructure we expect to be inclosed the present summer and fall. If it is continued in its present form, it will have three sides of the building of stone and the fourth side of brick, which will be an unsightly building. All sides of the building are almost equally exposed. If it had been in a condition where work could have been continued without injuring the work already done, I believe the committee would not have made the report.

Mr. FITZGERALD. I want to call the attention of the gentleman to the fact that the report says that the foundations are not completed.

Mr. BURNETT. But they are nearly completed.

Mr. FITZGERALD. They have not started to erect the superstructure. If anything was to be done, the thing to do was to file such modification in the specifications as would require the use of a uniform material.

Mr. BURNETT. I understand the contract has been let and the contract could not be abandoned; the contractors would have to go on with the work. If they did not build it of stone, they would have to go with stone on three sides and the fourth side of brick. As I say, this was an emergency case.

Mr. MARTIN of South Dakota. I think the gentleman from New York should realize that every case should be considered on its own merits. The Committee on Public Buildings and Grounds are very conservative and do not report anything unless it is an emergency matter. Here is a case where the foundation is practically completed, as the architect of the Treasury has reported within a week. They have reached a place where they must know whether to complete it in stone or the fourth side in brick. I want to say to the gentleman from New York that in this case the citizens of Huron, in order to have a better building for the Government, in which to house the departments of the Government, have donated in the neighborhood of \$15,000 without any cost to the Government whatever.

Mr. EDWARDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EDWARDS. Did I understand the gentleman from New York to make an objection?

The SPEAKER pro tempore (Mr. Cox of Ohio). The Chair was under the impression that the gentleman from New York reserved his objection.

Mr. MARTIN of South Dakota. I think under conditions of this kind, where the department has a general land office for the Government, a post office, a permanent signal office, that this is an emergency case.

Mr. FITZGERALD. My recollection is that the recommendation has been made from time to time to abolish that general land office at South Dakota, and my recollection is that when we passed the legislative bill no provision was made for it, so that the necessity for accommodation of that kind no longer exists. I can not understand the theory upon which any official of the Government should make such a contract with this reservation in it to substitute stone on the fourth side at some other time, the intention being to build up a situation where Congress might be coerced by such persuasive arguments as have been advanced increasing the limit of cost. I shall have to object for the present.

The SPEAKER pro tempore. The gentleman from New York objects, and the bill will be stricken from the calendar.

UNITED STATES IMMIGRATION STATION.

The next business on the Unanimous Consent Calendar was the bill (H. R. 20501) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof, the total cost of such new site so acquired not to exceed the sum of \$35,000.

Mr. SABATH. Mr. Speaker, reserving the right to object, I desire to ask the gentleman what site has been selected now for the immigration station?

Mr. TOWNER. The site already selected, under a misapprehension—or rather a mistake made in the language of the act passed—was really selected for a detention station. The object of the bill was for the purpose of selecting and purchasing an immigration station. The present detention station is about eight blocks from the river front; and, of course, an immigration station ought to be placed on the river front.

Mr. SABATH. Is it not a fact that the last appropriation was made for an immigration station?

Mr. TOWNER. No; not under the act.

Mr. SABATH. What was the amount in the last bill?

Mr. TOWNER. I do not remember the amount, but it was less than this.

Mr. BURNETT. The language of the act was for an immigration station, and it was construed by the department to mean a detention station.

Mr. SABATH. I so understood, and everyone else did, that the appropriation was for an immigration station.

Mr. BURNETT. One hundred and thirty thousand dollars was appropriated, and a lot was selected some six squares away from the water's edge, where the boats land.

Mr. SABATH. Who selected that site at that time?

Mr. BURNETT. I think it was selected by the Supervising Architect of the Treasury Department, and perhaps in connection with him some employee of the Secretary of Commerce and Labor. As I recollect, \$14,000 was expended for that site. A number of the members of the committee, I think, perhaps, six, visited Baltimore, and we found that the site was six or seven squares away from the water's edge.

Mr. SABATH. The members of what committee?

Mr. BURNETT. Of the Committee on Public Buildings and Grounds, from which the bill was reported.

Mr. EDWARDS. Mr. Speaker, will the gentleman from Illinois permit me to interrupt here to ask a question of the chairman of the committee?

Mr. SABATH. Certainly.

Mr. EDWARDS. Mr. Speaker, I would like to ask the acting chairman of the Public Buildings and Grounds Committee how it happens that these special bills from the Public Buildings and Grounds Committee are coming in on this calendar when it has been established by a majority of the committee that we would not at this session have a public buildings bill at all?

Mr. BURNETT. I will answer that.

Mr. EDWARDS. It would seem to me that to permit bills of this character to go through will have the effect, at least, of placing in an embarrassing position a great many Representatives on the floor of the House, who will be deprived of securing any building bill.

Mr. BURNETT. I will say to the gentleman that no one is placed in any embarrassment greater than the members of the committee, because we knew if we established precedents that were not really emergency, we would be swamped with applications of the kind. Hence the committee has steered clear of cases that are not emergency cases. In this case there is no appropriation from the Treasury Department. It is simply an exchange of one site for another, and in case they do not get an even exchange, then the amount in excess is to be taken out of the original appropriation and applied to the purchase of the site.

Mr. EDWARDS. I take it, then, that the gentleman's committee considered the bill just objected to on the calendar and the one under consideration at present as emergency cases?

Mr. BURNETT. That is it exactly; and this one, we think, is peculiarly so, because of the fact that the accommodations at Baltimore are congested and are in a very bad condition. As all gentlemen know, I have been in favor to a very great extent of restricting immigration, but I have always been in favor of giving decent accommodations to the people brought here. The accommodations at that detention station are vile.

They have a detention station there that is congested, and this site was purchased, as the department seemed to think, for a new detention station. The department selected it in an insanitary section of the city, up there where there are a number of industrial plants, where the slime and other effluvia are very bad. The gentleman from Maryland [Mr. LINTHICUM], who introduced this bill, is unfortunately away on account of the illness and perhaps the death of his brother in St. Louis. For that reason I am especially asking the careful consideration of the House.

Mr. SABATH. Mr. Speaker, I do not find any fault with the gentleman for introducing the bill. What I desire to know is, who is responsible for originally selecting this poor site and paying for it this large sum of money, when they should have known it could not be used for that purpose?

Mr. BURNETT. I think the criticism of the gentleman is just.

Mr. SABATH. This is not the first time that this has occurred. The same thing occurred in Philadelphia, where they were obliged to change the site two or three times before they finally selected the proper site.

Mr. BURNETT. I think the selection of this site, even for a detention station, was inexcusable. That is the way the department excuses itself—that they understood it was not for a general immigration station, but was merely a detention station.

Mr. SABATH. So the gentleman agrees with me that they are not competent in selecting the proper sites for a public building.

Mr. BURNETT. I think they manifested bad judgment in selecting this.

Mr. SABATH. And some change ought to be had in the department.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. FITZGERALD. There are about 30,000 immigrants coming to Baltimore every year.

Mr. BURNETT. I think so, on an average.

Mr. FITZGERALD. Before this station was authorized the practice had been for the immigrants to leave the steamer and board the train right at the steamer?

Mr. BURNETT. Yes. The trains run right in there on a siding; but even that is congested.

Mr. FITZGERALD. Was not the original purpose of the appropriation to provide a place where those immigrants who were not passed could be detained pending whatever further investigation and examination were necessary?

Mr. BURNETT. That was the construction of the department.

Mr. FITZGERALD. Is not that the fact? I remember the legislation and I remember the discussion.

Mr. BURNETT. The legislation, as I remember, on the bill, was providing for an immigration station. I think I have it before me.

Mr. FITZGERALD. Leading up to the authorization, was it not a fact that provision was desired for those immigrants who were not passed, and had to be detained some place? The shed that was there at the terminal was not deemed proper or adequate, and it was not desired to keep them on board the steamers.

Mr. BURNETT. That is true; but the station where they board the train does not belong to the Government. It belongs to the Baltimore & Ohio Railroad or one of the railroads, and they disembark and go at once into that and up into the train. Off some distance from there, 2 blocks from there, is this detention station that is totally inadequate, even for a detention station, and even putting it on that ground I think the site selected is totally inadequate. The intimation was made to us down there that perhaps ground would be donated; if not, it could be bought without any great cost very near the water's edge.

Mr. FITZGERALD. It would not be donated. I know enough about this station to know it must be bought, if it be acquired at all.

Mr. BURNETT. As far as the members of the committee who visited the place are concerned, they felt there were some grounds near Fort McHenry that above all others would be the most valuable for that purpose, already belonging to the Government, if objection was not made.

Mr. FITZGERALD. What has been done in this case? Has anything been done other than to purchase the site?

Mr. BURNETT. Nothing but the purchase of the site in this case. This bill is not to add any other appropriation.

Mr. FITZGERALD. Let me ask the gentleman one other question, as he is the chairman of the Committee on Immigration. If this change be made, will it be necessary to enlarge the scope of the general station so as to require much greater facilities than were contemplated at the time the original scheme was adopted?

Mr. BURNETT. Well, I myself have expressed the opinion there ought to be a much better station there. If the gentleman will visit those rooms there and see how congested those people are, he will be impressed with the idea they do need a larger station than they have there.

Mr. FITZGERALD. I think perhaps some station may be necessary, but I believe, in view of the number of immigrants who come to Baltimore and the manner in which they are handled, all that is necessary is some place where those who are not passed may be detained. If it is proposed, instead of following the practice now followed, to first put them in the station and then examine them there and then release them as they may pass, it will take over a million dollars to provide the facilities required.

Mr. BURNETT. Oh, not for the station there.

Mr. FITZGERALD. For a station accommodating 30,000 immigrants a year?

Mr. BURNETT. I do not think the station at Philadelphia has ever cost half of that. I will ask the gentleman—

Mr. FITZGERALD. It has not yet, but they have not got what has already been authorized completed, and although the acquisition of a station at Philadelphia was authorized they went to New Jersey and located at Gloucester and paid—

Mr. BURNETT. I think the contract has been let under the authorization at Philadelphia, as far as that is concerned.

Mr. SABATH. Will the gentleman permit?

The SPEAKER. To whom does the gentleman yield?

Mr. BURNETT. I believe the gentleman from Iowa [Mr. TOWNER] has the floor.

Mr. MOORE of Pennsylvania. Mr. Speaker, so long as the Philadelphia station has been brought into this discussion, I think it is only fair to say that up to the present time the Philadelphia station has not cost a million dollars, but only the \$250,000 which was appropriated, and, by the way, \$100,000 of that went for good old Democratic buildings and ground purchased at Gloucester. The \$150,000 above the cost of site has been applied to the construction of a pier and buildings, and when, through the grace of the Committee on Appropriations, of which the distinguished gentleman from New York [Mr. FITZGERALD] is chairman, we shall receive \$105,000 more, we will be able to finish up the work and provide a station at that point that has long been needed for the credit of the Immigration Service and the protection of the unfortunates who come from abroad.

Mr. MADDEN. I desire to say, in regard to the immigrant station at Chicago, we can not get any expression from any committee of the House on the subject at all.

Mr. SABATH. I wish to say to the gentleman from Illinois that both of these gentlemen who are chairmen of these two committees have promised me that they will aid—

Mr. FITZGERALD. Does the gentleman include me? I made no promise.

Mr. MADDEN. I am opening up a nest of information, and I have been trying to get information for a long time. The chairman of the Committee on Appropriations says he has no jurisdiction; the chairman of the other committee says he has no jurisdiction, and the gentleman from Chicago [Mr. SABATH] says he does not know which committee has jurisdiction over it, and so we do not know where to go to get information that will lead us to the proper committee and a successful conclusion. It has been said that the Government has not the money—

Mr. SABATH. The Republicans have expended all in the last session; that is the trouble.

Mr. MADDEN. The Democrats have been talking economy and spending more money than the Republicans ever dreamed of.

Mr. FITZGERALD. Mr. Speaker, I did not expect that this so-called Chicago immigration station was to be discussed here. The fact is, however, that the administration is Republican. The only activity and the only information conveyed to the Congress about the necessity for an immigration station at Chicago is that which has originated from the Chicago Club and the two gentlemen from Illinois who have spoken here to-day. While the head of the department has written them letters, no estimate has ever been submitted to the Congress, and no official communication of any kind has been submitted to the Congress. If there be any criticism for the failure of the legislative body to act, it falls upon those charged with the responsibility of informing the House of the necessities of the public service, and they are Republican officials.

Mr. MANN. Mr. Speaker, would it be in order to ask a question about the bill now before the House?

The SPEAKER. The Chair thinks it would.

Mr. MANN. I was not able to hear a while ago the private conversation that was being carried on over on the right of the Speaker, and perhaps what I am inquiring about may have already been discussed in that private conversation. I would like to ask the gentleman in charge of the bill what this present site cost?

Mr. BURNETT. My recollection is \$14,000.

Mr. MANN. What committee reported the authorization?

Mr. BURNETT. The Committee on Public Buildings and Grounds.

Mr. MANN. Is the gentleman quite sure about that?

Mr. BURNETT. Yes; \$130,000 is my recollection that was reported.

Mr. MANN. I was under the impression the Committee on Immigration authorized these stations.

Mr. BURNETT. No; the Committee on Immigration has not for a number of years reported any of these authorizations.

Mr. MANN. At that time your committee reported \$14,000 authorization for this station?

Mr. BURNETT. No; \$130,000 for the station, and \$14,000 of that \$130,000 was for the purchase of a site.

Mr. MANN. Who selected this site?

Mr. BURNETT. Well, that is a matter of outside information.

Mr. MANN. That is a matter of information that somebody knows, and I want to know.

Mr. BURNETT. I will state to the gentleman what my information is with regard to it. An agent of the Treasury

Department and of the Department of Commerce and Labor both went over to look it over and make a selection. Now, Mr. Taylor, Supervising Architect, told me that he was there, and members of the Committee on Public Buildings and Grounds went recently to look over it, and Mr. Taylor was with us; and my recollection is he stated at the time there was only one other site there and that it was clear out of reason.

Mr. MANN. Now, as a matter of fact, the Supervising Architect is not the man to determine where the site shall be for the Department of Commerce and Labor, for this station is under the control of the Department of Commerce and Labor, and they have to select it. Now, the gentleman proposes, without any report from the Department of Commerce and Labor, to dispose of the site which the Department of Commerce and Labor has selected for \$14,000, and purchase a site that will cost \$49,000.

Mr. AUSTIN. I would like to say in answer to the statement that some one representing the Department of Commerce and Labor—representing the Immigration Bureau—was present when the first site was selected. Then, when the Committee on Public Buildings and Grounds recently visited Baltimore and looked over the proposition of selling or disposing of the site purchased a couple of years ago, the representative of the Department of Commerce and Labor—the head of the Immigration Bureau of the Department—and Col. Taylor, Supervising Architect of the Treasury Department, accompanied the members of the Committee on Public Buildings and Grounds, and personal inspections were made of the present site and of the proposed new site. And the representatives of both of those departments agreed to the unanimous opinion of the members of the committee who visited Baltimore that the present site ought to be disposed of and a new site purchased; so that, in fact, whether it is in the report presented with the bill or not, the representatives of the Treasury Department and the Department of Commerce and Labor were present and agreed that a change ought to be made.

Mr. SABATH. They agreed that the present site is not the proper site?

Mr. AUSTIN. It is located too near a number of fertilizing plants in Baltimore, which makes it highly undesirable for a detention and hospital station.

Mr. SABATH. So the ones who originally selected the site did not use good judgment?

Mr. AUSTIN. They made a mistake, in my judgment.

Mr. MANN. It seems to me when a site is selected by the Department of Commerce and Labor it is not quite a profitable thing to dispose of that site by a site that will cost many times as much solely on the report of the Treasury Department.

Mr. BURNETT. I will say it was by both departments. If the gentleman will read the report—

Mr. MANN. I have read the report, and there is nothing in it about the Department of Commerce and Labor.

Mr. BURNETT. The Department of Commerce and Labor did not desire to take charge of it, and recommended that the Secretary of the Treasury do so, and the bill was amended in that way.

Mr. MANN. I am not talking about that part of it. Why did the gentleman not refer the bill to the Secretary of Commerce and Labor for a report upon a matter which they have to do with instead of referring it to the Secretary of the Treasury, who merely holds the nominal title to the property after acquired?

Mr. BURNETT. We did so.

Mr. MANN. Where is the report?

Mr. BURNETT. The Department of Commerce and Labor desires that they take charge of the matter. The bill was originally referred to the Treasury Department.

Mr. MANN. That has nothing to do with the site question. Until the gentleman can produce a report from the Department of Commerce and Labor I shall object.

Mr. MOORE of Pennsylvania. Does not this answer the gentleman fully? This is in the report:

The committee amended the bill on the recommendation of the Secretary of Commerce and Labor, so as to authorize the Secretary of the Treasury to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site.

Mr. MANN. That is merely changing the authority of ownership from the Secretary of the Department of Commerce and Labor to the Treasury Department, because the title to this property comes through the Treasury Department. That is a formal amendment. That has nothing to do with the merits of the case.

Mr. MOORE of Pennsylvania. But this says the Secretary of Commerce and Labor was consulted and approved of it.

Mr. AUSTIN. Mr. O'Keefe, who was of the Department of Commerce and Labor, was detailed to appear before the Com-

mittee on Public Buildings and Grounds and give his views as to the disposition of the present site; and he was there to confer with the committee as to change of site.

Mr. MANN. I have no doubt at all of that. I think we ought to have a written report.

The SPEAKER. Is there objection?

Mr. TOWNER rose.

Mr. MANN. Mr. Speaker, I reserve the right to object.

The SPEAKER. Does the gentleman from Illinois reserve his objection still further?

Mr. TOWNER. He reserves the right to object until I can make a statement. The gentleman from Maryland [Mr. LINTHICUM] is not present. This is his bill, and therefore I hope the gentleman from Illinois [Mr. MANN] will reserve his objection and that the bill may be passed without prejudice at this time.

Mr. MANN. The gentleman can put it on the Unanimous Consent Calendar again.

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] object?

Mr. MANN. I do.

Mr. BURNETT. Mr. Speaker, I think I have the report from the Secretary of Commerce and Labor, if the gentleman will reserve his objection.

Mr. MANN. Well, the gentleman can put the bill on the calendar again.

FIVE CIVILIZED TRIBES.

The SPEAKER. The Clerk will report the next bill.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 22083) relating to inherited estates in the Five Civilized Tribes in Oklahoma.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that this bill be passed. It was introduced by the gentleman from Oklahoma [Mr. CARTER], and he is at home ill.

The SPEAKER. Is there objection?

There was no objection.

RELIEF OF SOLDIERS AND SAILORS WHO ENLISTED OR SERVED UNDER ASSUMED NAMES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13566) for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy of the United States during any war with any foreign nation or people.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized and required to issue certificates of discharge or orders of acceptance of resignation, upon application and proof of identity, in the true name of such persons as enlisted or served under assumed names, while minors or otherwise, in the Army or Navy during any war between the United States and any other nation or people and were honorably discharged therefrom. Applications for said certificates of discharge or amended orders of resignation may be made by or on behalf of persons entitled to them, but no such certificate or order shall be issued where a name was assumed to cover a crime or to avoid its consequence.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman who has charge of this bill—

The SPEAKER. Who has charge of the bill?

Mr. SABATH. If I am not mistaken, that is the present law.

Mr. MANN. The gentleman is mistaken. The present law covers the Civil War, but does not cover the Spanish War.

Mr. SABATH. Well, I passed a bill in the Sixty-first Congress that covers the Spanish War people.

Mr. MANN. I think the gentleman is mistaken in reference to what he has passed, although I will not say that. The Mexican War veterans are not covered by it, and I think the Spanish War veterans are not covered by the existing law. I know they are not covered by the Revised Statutes.

Mr. FITZGERALD. I think the gentleman from Illinois [Mr. SABATH] is correct that his bill covered the Spanish War veterans. This bill goes further and covers the honorably discharged soldiers and sailors of the Civil War and of the Mexican War, and the gentleman's bill covered the Spanish War.

Mr. MANN. It illustrates the desirability of referring bills of this kind to a department. Perhaps if this bill had been referred to the department for a report, they would have given us information on the subject.

Mr. SABATH. I have no objection to the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

INTAKE TOWER, MISSISSIPPI RIVER, ST. LOUIS, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22999) providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of St. Louis, a municipal corporation organized under the laws of the State of Missouri, is hereby authorized to construct, own, maintain, and operate an intake tower and water conduit therefor within the channel of the Mississippi River at said city of St. Louis, and near the northern limits thereof, to be used in connection with the waterworks of said city: *Provided*, That the location and plans of said intake tower and conduit shall be subject to the approval of the Secretary of War: *And provided further*, That the navigation of the said river shall be in no way obstructed thereby.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read the committee amendment, as follows:

On page 2 add a new section, as follows:

"Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. MANN. Mr. Speaker, I would like to inquire of the gentleman from Missouri [Mr. BARTHOLDT] whether this would involve in any way the relations, friendly or otherwise, between Chicago and St. Louis concerning the Chicago Drainage Canal?

Mr. BARTHOLDT. Mr. Speaker, in answer to the gentleman's question I will say that the tomahawk has been buried between Chicago and St. Louis. [Applause.]

Mr. ADAMSON. Down the creek from Chicago?

Mr. BARTHOLDT. I want to say, in explanation of the bill, that in accordance with the statement made by the water commissioner of St. Louis, Mr. E. E. Wall, the city needs an additional supply of water.

Mr. SABATH. What? Is the gentleman serious? [Laughter.]

Mr. MANN. With Anheuser-Busch in full operation? [Laughter.]

Mr. BARTHOLDT. The two gentlemen from Chicago may have no taste for it; but we need it not only for household purposes, but also for drinking purposes. The water commissioner says that—

For about 18 years the city of St. Louis has been dependent upon a single intake and tunnel for its entire water supply. At any time during these years or, in the future, unless other provisions are made, any accident interfering with the passage of water through this tunnel would have meant a disastrous water famine for the city of St. Louis. Serious troubles have been experienced almost every winter since it was built, and on one or two occasions the city's supply was in danger. This was especially true in January last, when the combined circumstances of extreme cold weather, and exceedingly large quantity of floating ice, and the low stage of the river actually prevented the waterworks from getting from the Mississippi River one-half the necessary water for its use during a period of nine days. Had there not been at the beginning of this period in storage some 400,000,000 gallons of water the city would have suffered severely.

I believe it is unnecessary, Mr. Speaker, to read the whole letter. This explanation ought to be sufficient to entitle us to the consideration at the hands of Congress which we ask.

The SPEAKER. Is there objection?

Mr. ADAMSON. Mr. Speaker, in addition to the explanation made by the gentleman, I will say that, while it is down the creek from Chicago to St. Louis, it is on the other side of the river, and this and other circumstances have enabled the gentleman to satisfy the committee that they will never call upon the Government to incur the expense of purifying the water before they take it in.

Mr. BARTHOLDT. I thank the gentleman.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE RED RIVER OF THE NORTH, OSLO, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23634) to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North.

The Clerk read the bill, as follows:

Be it enacted, etc., That the council of the village of Oslo, in the county of Marshall, in the State of Minnesota, and their assigns be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North, at a point suitable to the interests of navigation, at or near the village of Oslo, in section 36, township 155 north, of range 51 west, fifth principal meridian, in the county of Marshall, in the State of Minnesota, in

accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

VALIDITY OF CERTAIN HOMESTEAD ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21826) validating certain homestead entries.

The Clerk read the bill, as follows:

Be it enacted, etc., That all pending homestead entries made prior to September 1, 1911, under the provisions of the act of February 19, 1909, by persons who, before making such entries, had acquired title to less than 160 acres of land under the homestead laws, be, and the same are hereby, validated: *Provided*, That said entries are in other respects in conformity with the homestead laws.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That all pending homestead entries made in good faith prior to September 1, 1911, under the provisions of the enlarged homestead laws, by persons who, before making such enlarged homestead entry, had acquired title to a technical quarter section of land under the homestead law, and therefore were not qualified to make an enlarged homestead entry, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than 160 acres of land."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman why this bill was not referred to the department for a report on it?

Mr. PRAY. Well, there is a long letter printed and before the House, I will say to the gentleman, which is, in effect, a comprehensive report from the Secretary of the Interior—

Mr. MANN. Not about this bill—

Mr. PRAY (continuing). And which fully explains the entire situation; and this bill is drawn in conformity with that report. The bill I introduced and the Secretary's report were carefully considered together by the Public Lands Committee, and the committee amendment, in my judgment, makes the bill conform absolutely to the Secretary's report.

Mr. MANN. Well, there is a letter from the Secretary of the Interior, addressed to the gentleman, giving the situation, but giving no reason whatever for the passage of this bill and not expressing any opinion on the merits of the proposition at all, there being no bill then introduced.

Now, does not the gentleman think that we are entitled, on a matter of this sort, that proposes to overrule a decision of the department, to have an expression of opinion from the department on the subject?

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me?

Mr. PRAY. I will say to the gentleman that the Secretary in his report states very clearly his reasons for favoring this legislation, and a comparison of the bill and report will show that his recommendations have been followed to the letter, and furthermore that the enactment of this legislation will not overrule the decision of the department. If the gentleman from Illinois will give me an opportunity to make a further explanation—

Mr. MANN. I thoroughly understand the situation.

Mr. MONDELL. If the gentleman from Illinois has read the last paragraph of the letter of the Secretary he will see that he suggests just this kind of legislation.

Mr. MANN. I have read the whole report carefully. I wonder if the gentleman has.

Mr. MONDELL. It seems to me that that is very clearly an approval of what the committee proposed to do.

Mr. PRAY. What feature of it does the gentleman from Illinois care to know about? The letter of the Secretary was before the Public Lands Committee.

Mr. MANN. Before the bill was introduced.

Mr. PRAY. The bill was introduced following the report, and the committee offered an amendment which was adopted, and the bill was thereupon made to conform to the suggestions of the Secretary as disclosed in his report. It would appear to me that there can be no doubt about the facts. The bill and report are before the House and, I believe, in exact accord. It does not overturn the decision of the department in the Storaasli case. It simply validates the entries made before the Storaasli decision was rendered, which entries, previous to this decision, had been allowed and held valid by the department.

Mr. MANN. We will not dispute as to the meaning of the language. The gentleman says that it does not overturn the de-

cision of the department. I had said that it did. I do not care whether it did or not. The department decided that these people could not get an enlarged homestead, and the bill gives it to them. I should say that that was turning the decision upside down.

Mr. MONDELL. If the gentleman will remember, the department said they could do this and these filings were made under regulations of the department and were accepted subsequently under the rulings of the Land Office. The Secretary's office had not passed on the matter, but the Land Office accepted the filings.

The Secretary's office later decided, very properly, that the filings were not properly accepted, but if so, as he says in the letter, in view of the fact that the filings were made with the knowledge of the Land Office, and accepted by the Land Office, they would approve legislation which cured these cases, and that is what this legislation is. It is to cure the cases where the entrymen fell into error by reason of the department or the Land Office ruling in that manner.

Mr. MANN. Let me see whether I understand the situation. Here is a man who had taken up a homestead of 159 acres. The law provided that if he had not taken up a homestead he could take an additional amount of 160 acres. Thereupon they said that because he was short 1 acre he could take 160 acres more. Is not that correct?

Mr. MONDELL. No; not exactly. The words of the law provide that any person who is a qualified entryman under the homestead laws of the United States may enter under the provisions of this act. A man is a fully qualified entryman unless he has exhausted his rights under the homestead law. This man who took three 40-acre tracts is a qualified entryman and therefore he may take an enlarged homestead. What the Land Office held was that if a man had taken four 40-acre tracts—

Mr. MANN. If he was short an acre.

Mr. MONDELL. If he lacked an acre he was still a qualified entryman.

Mr. MANN. That is what I said; I did not take so many words to do it in, but I said the same thing.

Mr. MONDELL. That was held, and they said that this thing might be done.

Mr. MANN. Yes; and now I propose, if you want to pass a bill by unanimous consent, that you shall have the written opinion on the bill from the department itself on the subject.

Mr. MONDELL. If the gentleman will read the last paragraph of this letter—

Mr. MANN. I have read it.

Mr. MONDELL. It suggests that this very thing can be done.

Mr. MANN. I think the gentleman can obtain the opinion of the department without any trouble.

Mr. PRAY. I certainly can and could have done so before if I had thought that there would be the slightest objection to the bill or that it would be necessary to have two reports from the Secretary covering the same subject matter.

Mr. MANN. The gentleman has heard me say forty times on the floor that bills of this kind would not pass by unanimous consent unless they had been referred to the department for a report.

Mr. PRAY. There were a number of entrymen under the act of February, 1909, who had taken title to homesteads of less than 160 acres under former entries, and the department accepted these filings and held that they were valid. The settlers occupied and improved their homesteads and supposed that they were within their rights, because the department had said so. A year or two afterwards the Secretary handed down the decision in the Storaasli case, which held the second entries for cancellation. We have here a report of the Secretary clearly expressing his approval of such a bill as is now pending. Anybody who will take the time to read this report will be convinced that the homesteaders ought not to be deprived of their property because of an erroneous ruling. The last decision is, of course, the correct one; but these people entered these lands and have complied with the law, and should be protected.

Mr. MANN. When you get down to bedrock, the gentleman knows perfectly well that these men were intending to take advantage of the Government under what they thought was a technical construction giving them the right to take 159 acres of land and then an enlarged homestead of 160 acres beside. They took advantage of the technical construction of the act to get an additional 160 acres, knowing that they were not morally entitled to it, although they thought they had a legal title to it. Now, then, they claim that they are morally entitled to it. Before that can be done the department must give its opinion upon it.

Mr. PRAY. The department has already expressed an opinion on the subject and has furnished a complete statement of

the case from beginning to end. Otherwise I would not have placed the bill on the Unanimous Consent Calendar. Here is a favorable report from the department and also a favorable report from the committee.

Mr. MANN. I have read what the department has said, and it is like expressing an opinion of court before the case comes before the court. I prefer to have the opinion of the court when the case is before it and it has the responsibility of deciding it. I do not take much stock in department letters written to a Member of Congress about something which the Member of Congress is interested in.

Mr. MONDELL. If this letter of the Secretary is not an approval of this bill, I do not know what kind of an approval the department could give.

Mr. MANN. It may be a declaration that they will approve the bill, but it is not an approval of this bill, because this bill was not introduced until after the letter was written. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

CONDEMNED BRONZE OR BRASS CANNON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon with their carriages and outfit of cannon balls, etc.

The Clerk read the bill, as follows:

A bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to deliver to the city of Dolton, in the State of Illinois, for the use of the George W. Spencer Post, No. 489, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War.

To Appleton City, in the State of Missouri, for the use of the Appleton City Academy, one condemned fieldpiece or cannon, with a suitable outfit of cannon balls, same to be subject at all times to the order of the Secretary of War.

To the town of Elizabeth, W. Va., for the use of the Grand Army post at that place, two condemned bronze or brass fieldpieces, with their carriages, same to be subject at all times to the order of the Secretary of War.

To the city of Lebanon, Tenn., two condemned bronze or brass cannon or fieldpieces, with their carriages, same to be subject at all times to the order of the Secretary of War.

To the city of Pittston, Pa., for the use of the State armory, two condemned mortars or cannon, with a suitable outfit of cannon balls, same to be subject at all times to the order of the Secretary of War.

To the town of Sheridan, Wyo., for use at John Schuler Post, No. 67, Grand Army of the Republic, two condemned 12-pound bronze cannon, now at the Rock Island Arsenal, Rock Island, Ill., the same to be subject at all times to the order of the Secretary of War.

To the city of Orange, State of New Jersey, two condemned bronze or brass cannon or fieldpieces, with their carriages, for use on the lawn of the Orange city common, in said city, the same to be subject at all times to the order of the Secretary of War.

To the city of Gallatin, State of Missouri, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, the same to be mounted and used in the courthouse square in the said city, and to be subject at all times to the order of the Secretary of War.

To the State of New York, the condemned brass fieldpieces and one brass howitzer captured from Gen. Burgoyne at the Battle of Saratoga, the same to be subject at all times to the order of the Secretary of War.

To the city of Madison, S. Dak., two condemned bronze or brass cannon, the same to be subject at all times to the order of the Secretary of War.

To the city of Marianna, Ark., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the town of Covington, Va., two cannon or fieldpieces, the same to be subject at all times to the order of the Secretary of War.

To the city of Kingwood, W. Va., two condemned bronze or brass cannon, the same to be subject at all times to the order of the Secretary of War.

To Forest City, State of Missouri, one small condemned bronze cannon, with its carriage and six cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the city of Holton, Kans., one condemned cannon, with its carriage and cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the city of Olney, Ill., two condemned bronze cannon, mounted on carriages, for use at Eli Bowyer Post, No. 92, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War.

To the city of Louisburg, Kans., an obsolete piece of ordnance, together with its carriage or mounting, and six cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the city of Beaver Dam, Wis., two condemned bronze or brass cannon or fieldpieces, the same to be subject at all times to the order of the Secretary of War.

To the city of Hanover, Pa., two condemned 12-pound bronze cannon for use at Major Jenkins Post, No. 99, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War.

To the town of Wise, Va., two condemned cannon, with a suitable outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the city of Danville, Pa., one condemned bronze or brass cannon or fieldpiece for use at Goodrich Post, No. 22, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War.

Provided, That no expense shall be incurred by the United States through the delivery of any of the foregoing condemned military equipment.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from West Virginia a question. As I understand the law now, the Secretary of War is authorized to give away the old iron cannons?

Mr. HAMILTON of West Virginia. Yes.

Mr. SHERLEY. And was authorized to sell brass cannon.

Mr. SLAYDEN. That is right.

Mr. SHERLEY. And he has actually put a price on the cannon which represents simply the value of the metal in the cannon.

Mr. SLAYDEN. That is right.

Mr. SHERLEY. These obsolete pieces are now being used by the Ordnance Department, are melted up and the brass used in recasting, and I would like to know why we should embark upon this proposal to give away all of the ordnance that is not standard and up to date?

Mr. HAMILTON of West Virginia. This is not a bill making a gift at all.

Mr. SHERLEY. That is exactly what it is.

Mr. HAMILTON of West Virginia. We had before the committee the very proposition to which the gentleman refers, because of the statute to which he refers.

Mr. SHERLEY. It is an absolute gift, so far as the practical effect is concerned. Of course the bill provides that they shall be subject to the order of the department, but the sending out of a piece of cannon which is of value simply for the brass that is in it, although saying it is not giving it away because the Secretary of War can send for it at some subsequent time is just as much a gift as if it were given in fee.

Mr. HAMILTON of West Virginia. It might have that effect in fact, but it would not in law.

Mr. SHERLEY. We are dealing with the fact and not simply with technical law.

There is one paragraph in the bill which seems to me to be justifiable, and that is that providing that the condemned brass fieldpieces and one brass howitzer, captured from Gen. Burgoyne at the Battle of Saratoga, shall be given to the State of New York. Those are historic fieldpieces, and it is highly proper that they should be given away; but I do not think it is proper, where there is no sentiment respecting a piece, that the Government should give that much property of the United States away. The result will be, if you are going to give these cannon to these various cities, that you can not in justice deny the claim of any other locality or community in the land, and Congress will be overwhelmed with proposals to have given to different localities ordnance that is not standard. When you get rid of all the very old pieces, then you will give away those not quite so old. Unless the gentleman is willing to strike out all of the bill except that paragraph relating to the particular historic pieces captured from Gen. Burgoyne, I shall feel constrained to object.

Mr. MANN. What is the gentleman's suggestion?

Mr. SHERLEY. My suggestion is that those pieces that are historic, which were captured from Gen. Burgoyne, should very properly be given to this particular State; but I do not think that the rest of the bill has sufficient merit to pass it by unanimous consent.

Mr. BARTLETT. There is a separate bill for that purpose upon the calendar.

Mr. MANN. But these are cases where Grand Army posts have a burial ground in a cemetery, and it is quite out of the question, I think, for them to raise even \$150 with which to purchase one of these cannon.

Mr. SHERLEY. That might be; and it might be very desirable to give to the Grand Army posts as such—and I am not prepared to say that I would object at all to the giving to the Grand Army posts as such—for such use, obsolete cannon, but I shall feel constrained to object to an omnibus bill of this character. Each gentleman who has had an application from his home district has very properly put in an individual bill, and then the Committee on Military Affairs has thrown them all in hodgepodge and brought out this bill, distributing all the ordnance that is obsolete, and that does not necessarily mean very old cannon. It means a gun that is not standard. I know from a talk with the Chief of Ordnance that he at present uses these guns by recasting them, and that they have a distinct value.

Mr. MANN. That is true; but will they not have a more distinct value in the way of patriotism if placed in some of the cemeteries at the time of memorial and other exercises? The cost is not very much to the Government.

Mr. SHERLEY. I thoroughly agree with the gentleman, if that were the proposition before the House, but it is not the proposition. The proposition is not to give them to Grand Army posts nor for the erection of these cannon at certain cemeteries. The proposition is to give practically to every organization and municipality that has made the request.

Mr. MANN. I think these, as a rule, go to cemeteries.

Mr. SHERLEY. Let us read the bill a little and see whether they do or not.

Mr. MANN. Whether it is named in the bill or not, I think that is the case.

Mr. HAMILTON of West Virginia. Yes; nearly all of these are for Grand Army posts, and the committee gave them to the towns because there would then be some authority to take care of them.

Mr. MANN. And some authority to call upon if the department wanted them back.

Mr. HAMILTON of West Virginia. Yes. That satisfied the gentleman from Texas [Mr. SLAYDEN], who will explain that matter.

Mr. SLAYDEN. Mr. Speaker, I will say to the House that my objection was to the terms of the gift as proposed, and I suggested that if they were given they should not be given to individuals nor to private corporations, but to public or municipal corporations.

Mr. HAMILTON of West Virginia. That is right. Here is one of them given to a certain town for the benefit of the Grand Army post that will come within the exception just as well as these given to the State of New York.

Mr. SHERLEY. Yes; but the very fact that that is expressed would indicate, according to all the laws of construction, that in those cases where it does not say it is for the benefit of a post it was not intended they should be for the benefit of posts.

Mr. HAMILTON of West Virginia. Well, I do not say that is true in every case, but in every one I remember that is true.

Mr. SHERLEY. Well, on the face of the bill there is nothing to indicate that except in a very few cases—

Mr. HAMILTON of West Virginia. But in those few cases—

Mr. SHERLEY (continuing). There does not seem to have been any recommendation made by the War Department on the matter. The report does not show that the bill ever was submitted to the War Department. Can the gentleman state what ordnance there is?

Mr. HAMILTON of West Virginia. The gentleman from New York [Mr. PATTEN] made this report and left here this afternoon. He asked me to take charge of this matter. These bills were referred to the War Department. I understand that only such of the separate bills as the War Department approved were put in this omnibus bill. Now, it seems to me, if the gentleman wants to sustain himself in his objection that he would suggest an amendment making it apply to such cases where it is not specified on its face it is for Grand Army posts—

Mr. SHERLEY. I am perfectly willing to permit an amendment that will eliminate everything except that.

Mr. HAMILTON of West Virginia. And let the bill go before the House for consideration. I would not want to agree to the amendments, because, in my case, the only one I have, in there it is so specified, and I would hate to stand here representing the committee and ask something for myself that I can not give to everybody else.

Mr. PALMER. If the gentleman will permit, I would like to ask him this question: If the House considers the bill by unanimous consent, would the gentleman have any objection to an amendment which would extend the list of Grand Army posts which would receive the benefits of the act? I have a request from a Grand Army post in my district which is doubtless as much entitled to a pair of these bronze cannon as any Grand Army post mentioned in the bill. Would there be any objection on the part of the gentleman to permitting such an amendment?

Mr. HAMILTON of West Virginia. I have no objection, but as another member of the committee, and one of the post prominent members, has that objection, he will no doubt oppose it.

Mr. PALMER. Why is the gentleman proposing to discriminate between Grand Army posts?

Mr. HAMILTON of West Virginia. It is not myself. This has been done by the committee. I assure the gentleman that if his bill came before the committee I would vote for it.

Mr. PALMER. I can show the gentleman that my case is equally deserving as any of the cases mentioned in the bill.

Mr. HAMILTON of West Virginia. As I stated awhile ago, it puts me in a very peculiar situation here, because my own bill meets the approval of gentlemen who have raised objection.

Mr. PALMER. It seems to me if we are going to pass a bill like this, you ought to include in it all the Grand Army posts which desire to have these bronze cannon shipped to them, and where a Member on the floor makes the statement that a Grand Army post desires a pair of these bronze cannon he ought to receive the same consideration as if he appeared before the committee. We are all exactly in the same situation. If the gentleman will assure me there will be no opposition to an amendment, I will not object to the consideration of the bill.

Mr. SLAYDEN. I can assure the gentleman there will be.

Mr. CULLOP. Mr. Speaker, I desire to ask the gentleman from West Virginia a question. I have two Grand Army posts in my district which made the same request, and if this bill is not open to amendment I am sure I will object.

Mr. SLAYDEN. I assure the gentleman it is not going to be open to amendment.

Mr. RAKER. Will the gentleman yield? I want to say to the gentleman I have a post in my district, at Redding, Cal., that has for one of its members Gen. Chipman, who is now judge of the court of appeals, and he is the only man who ever represented the District of Columbia in this House. He represented the Government back in 1865 and 1866, and that post desires one of these cannon or two of these cannon.

Mr. SLAYDEN. Mr. Speaker, in order to make this matter perfectly clear, I want to say I am not willing, with the limited information we have on hand as to the supply of obsolete ordnance, to open this measure to amendment, and I shall interpose all possible objection to its being so opened.

The SPEAKER. Is there objection?

Mr. BARTLETT. Do I understand the gentleman to object?

Mr. SLAYDEN. I shall object to any amendment to it.

Mr. BARTLETT. Then, Mr. Speaker, I object to the consideration of the bill.

The SPEAKER. The gentleman from Georgia objects, and the bill will be stricken from the calendar.

INCREASE OF TERRITORY BY CONQUEST.

The next business on the Calendar for Unanimous Consent was H. J. Res. 100, authorizing the President to instruct representatives of United States to next International Peace Conference to express desire of United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference.

The Clerk read as follows:

Resolved, etc., That the President is hereby authorized to instruct the representatives of the United States in the next International Peace Conference to express to the conference the desire of the United States that the nations represented in the conference shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask what power this confers upon the President which he does not now possess?

Mr. McCALL. Well, Mr. Speaker, I do not know that I can enlighten the gentleman from Illinois.

Mr. MANN. Well, if the gentleman can not enlighten me upon it there is nothing further to be said.

Mr. McCALL. I do not know that I could, because the gentleman may not be capable of being enlightened. [Laughter.]

Mr. MANN. By the gentleman from Massachusetts.

Mr. McCALL. It would amount to an expression of opinion on the part of Congress. We desire the President to do these things, but can not instruct him, because the President is a coordinate branch of the Government. This is simply a respectful way of expressing our opinion, which would undoubtedly be recognized by the President as effective. I do not think it is a nebulous resolution at all. It has in view the accomplishment of a very definite purpose, and that is to submit to the next peace conference a proposition that the nations in their treaties recognize the territorial boundaries of each other just as the nations of Europe have recognized the boundaries of Switzerland, which has preserved the integrity of that Republic for nearly a century. It is what we have done in effect in the case of China, which, under the leadership of the United States, taken by Mr. Hay, in which he was supported by Germany, we agreed that China should not be subject to partition, as I understand it.

Mr. MANN. When does the next Hague conference meet?

Mr. McCALL. I understand in 1915.

Mr. MANN. That is some time from now. The gentleman introduced his resolution on May 16 of last year, and after considering it for one year less one day the Committee on Foreign Affairs struck out all after the resolving clause and inserted a new resolution.

Mr. McCALL. Yes.

Mr. MANN. As this is a very important matter, and the conference does not meet for three years, I think it would be well to let it go over and see whether we might not wish to suggest some changes from what the Committee on Foreign Affairs did.

Mr. McCALL. Will the gentleman permit me, before he objects, just to say a word?

Mr. MANN. I withhold the objection.

Mr. McCALL. The Interparliamentary Union, of which the gentleman from Missouri [Mr. BARTHOLDT] is one of the leading spirits, has this matter under consideration and meets next fall.

Mr. MANN. It does not meet this year?

Mr. BARTHOLDT. It does.

Mr. MANN. I thought it was postponed.

Mr. FITZGERALD rose.

Mr. McCALL. I see that the gentleman from New York [Mr. FITZGERALD] also desires information.

Mr. FITZGERALD. I wish to ask the gentleman whether he would consent to an amendment, inserting on line 12, page 2, after the word "conquest":

Nor to encourage rebellion or secession of citizens or subjects, or subordinate political jurisdictions.

I ask if it would not be probable, in view of what was done by this Government only a few years ago in connection with a neighboring friendly power to the south, that some such instruction by the representatives of the United States might not be instrumental in referring to The Hague Tribunal the controversy now existing between Colombia and the United States.

Mr. MANN. Is that a part of a scheme to collect the twenty million or thirty million dollars? I did not suppose they had my friend from New York [Mr. FITZGERALD] on their staff.

Mr. FITZGERALD. I am not partial to paying very large sums of money for any purpose, but in view of the outrageous and indefensible action of the United States toward the helpless Republic of Colombia, which expected protection from the United States—

Mr. MANN. And was trying to hold us up.

Mr. FITZGERALD (continuing). I am inclined to believe that, instead of being a party to the destruction of that Government in the stealing of its territory, we ought to make proper reparation; and it is indefensible to say that because the Congress of Colombia did not act readily and quickly in response to the desires of the Chief Executive of the United States that it was either trying to hold up the United States or was not exercising the rights its people should exercise in the determination of what it should do.

Mr. McCALL. In reply to the gentleman from New York [Mr. FITZGERALD], I would say I regret that he has seen fit to remind us of our shame. I would go further. I believe that we should pay Colombia for the territory of which we despoiled her. But it does not follow from that that we are to keep ourselves at all in the position of going on and robbing other weak powers. That is no argument at all.

Mr. FITZGERALD. Would it not be a good thing to put a declaration in the preamble of treaties, as well as this declaration that is suggested here, that afterwards we would keep faith?

Mr. McCALL. I do not think the gentleman's point is a good one against the passage of this resolution.

Mr. FITZGERALD. I am not urging it against the passage of this resolution. I say we ought to consider the propriety and advisability—

Mr. MANN. Both gentlemen are trying to get the Colombia claim allowed, and I am against it. A rottener claim never "came over the pike."

Mr. FITZGERALD. The gentleman is a reactionary.

Mr. McCALL. If the gentleman from New York [Mr. FITZGERALD] will report an appropriation to pay Colombia for preventing her from maintaining her title to territory which we had guaranteed to her, I should certainly vote in favor of the appropriation. It is one of the most dishonorable transactions in the history of this country.

Mr. FITZGERALD. I do say that for Colombia to be permitted to go into The Hague tribunal in reference to its claims against the United States is proper. And I would be prepared to act—

Mr. SLAYDEN. Will the gentleman from Massachusetts yield?

Mr. McCALL. I will.

Mr. SLAYDEN. I hope very much that this resolution will be permitted to pass. I am much interested in it. It is a principle for which, in a feeble way, when occasion offered, I have contended for some years. In 1910 I had the honor of proposing before the Trans-Mississippi Commercial Congress, a great

association comprising all the business organizations west of the Mississippi River to the Pacific Ocean in the United States, a resolution embodying precisely this principle. Although that organization on that occasion was devoted to the specific purpose of considering purely American projects, it recommended that the President of the United States and the Secretary of State be requested to negotiate with all American Governments for a treaty embodying that principle. It passed unanimously. I then threw it into the shape of a House resolution, and it has been reported to this House twice from the Committee on Foreign Affairs with a recommendation that it do pass. No harm can come from it that I can see, but much good may come.

Mr. SHERLEY. Will the gentleman yield?

Mr. SLAYDEN. I will.

Mr. SHERLEY. Does the gentleman think it will be a reflection upon the action of the Senate?

Mr. SLAYDEN. I am restrained by the proprieties from expressing my opinion on that.

Mr. SHERLEY. Inasmuch as the Senate refused to take up the peace treaties, will this be a reflection upon that august body? It may be that they will lay it to a certain individual.

Mr. SLAYDEN. Is not that lese majeste?

Mr. ADAMSON. Mr. Speaker, are the gentlemen prepared to decide whether they will be able to give directions to the next President or not?

Mr. BARTHOLDT. Mr. Speaker—

The SPEAKER. The gentleman from Massachusetts seems to have the floor.

Mr. McCALL. I yield to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, I merely want to say in reference to this resolution that it has been carefully considered by the Committee on Foreign Affairs. It is here with a unanimous recommendation. That same committee is considering the Panama-Colombia difficulty, and whether it will report at this session or not I do not know, but it certainly has devoted a good deal of time to an investigation of the affair.

Surely the gentleman from New York [Mr. FITZGERALD] will not expect the American delegates to stand before The Hague conference and slap their own faces; but that is exactly what they would do if they were to admit at that conference that the separation of Panama from Colombia or the declaration of its independence involved a steal on the part of the United States. It has absolutely nothing to do with this question.

If the House will bear with me just for a moment more, I want to say that the plan proposed in the pending resolution is originally an American proposition. It is now so considered all over the world. In 1908 the American delegation to the Interparliamentary Conference held at Berlin proposed the plan in these words: That the nations should mutually agree to recognize their national independence first, their territorial integrity secondly, and their sovereignty in domestic affairs thirdly. The resolution when it was offered by us met with considerable opposition from certain countries, namely, such as were not quite satisfied with the present territorial status quo. France, for one, because she is still not entirely reconciled to the loss of Alsace-Lorraine. Denmark was another country that objected.

But our argument, Mr. Speaker, was that if there are some nations who object to an agreement of this kind, they should not retard all the other nations, if those others were willing to enter into a peace agreement of that nature. And upon this showing, Mr. Speaker, the parliamentary council, in October last, at Paris, unanimously passed this resolution. It will be proposed to the Interparliamentary Union at Geneva, Switzerland, this fall, and undoubtedly it will receive the sanction of that great body, which is now composed of over 3,000 law-makers of the world.

Now, this binds us to absolutely nothing. It leaves it to the discretion of the President as to whether he wants to give such instructions or not. It merely authorizes him to give such instructions, although it is true, as the gentleman from Illinois [Mr. MANN] suggests, that he has that authority now. But it is a declaration of policy on the part of the people of this country as against the policy of conquest, which has been the cause of nearly all the wars that have been waged in the last hundred years. And I think this Nation should be found in the forefront, in fact, taking the lead in declaring by its chosen representatives in favor of so pronounced a step toward more permanent peace.

Since it was proposed in Berlin it has been called by leading newspapers of our country the most practical proposition toward a condition of permanent international peace, and I regard it so.

If we could have arbitration treaties by which we could agree on the plan proposed in the resolution, I think permanent peace would be almost assured to the world. I hope this resolution will pass. [Applause.] And just another word. Arbitration is a splendid plan as a substitute for war, and there is probably no one within the sound of my voice who does not believe in it. But it is to be resorted to only in case of trouble; that is, when dissension and disagreement already exist. Our first aim should be, therefore, to avoid trouble altogether and to remove causes of friction wherever we find them. And this is the purpose of the pending resolution. If the great powers of the world, who will again meet in conference at The Hague in 1915, could be induced, through the influence of the American delegation, backed as they would be by Congress and the enlightened sentiment of America and the civilized world, to adopt our plan the possible causes of war would be minimized to such an extent as to make gradual disarmament a very practical question, and the relief of the people from intolerable burdens an irresistible demand. [Applause.]

Mr. MANN. Mr. Speaker, like my friend from Missouri [Mr. BARTHOLDT] and my friend from Massachusetts [Mr. McCALL], I am a man of peace, but I doubt whether peace will ever be accomplished in this way.

I am watching like a cat watches a rat the claim of the Republic of Colombia against the United States. I believe that the action which this Government took in recognizing the new Republic of Panama was justified by every consideration which could be brought to bear. [Applause on the Republican side.] I am not willing at this time to lend any countenance in any way whatever to any claim that the Republic of Colombia, which was trying to hold up this country and trying to destroy the French Panama Canal Co., has any right before us, and I object. [Applause.]

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

LOAN OF FIELDPIECES CAPTURED FROM GEN. BURGOYNE AT SARATOGA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21218) to loan to the State of New York the brass fieldpieces and one brass howitzer captured by Gen. Burgoyne at the Battle of Saratoga.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be hereby authorized to loan to the State of New York the brass fieldpieces and one brass howitzer captured by Gen. Burgoyne at the Battle of Saratoga, for the purpose of mounting them on the battle field of Saratoga as suitable trophies of the battle.

With the following committee amendment:

Amend, page 1, line 5, by striking out, after the word "captured," the word "by" and inserting in lieu thereof the word "from."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. SLAYDEN. Mr. Speaker, that should be "captured from Gen. Burgoyne," not "captured by" in the title.

The SPEAKER. That can be amended after the bill is passed.

The question is, Shall the bill pass?

The question was taken, and the bill was passed.

The title of the bill was amended so as to read: "A bill to loan to the State of New York the brass fieldpieces and one brass howitzer captured from Gen. Burgoyne at the Battle of Saratoga."

GEORGE WASHINGTON MEMORIAL BUILDING.

The next business on the Calendar for Unanimous Consent was the bill (S. 5494) to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people.

The Clerk read the bill, as follows:

Whereas George Washington, on July 9, 1799, said: "It has been my ardent wish to see a plan devised on a liberal scale which would spread systematic ideas through all parts of this rising Empire," and it was Washington's wish to materially assist in the development of his beloved country through the promotion of science, literature, and art, and with the firm conviction that "knowledge is the surest basis of public happiness"; and

Whereas the changing conditions that time has brought require new methods of accomplishing the results desired by Washington and now a necessity of the American people; and

Whereas at the present time there is not any suitable building in the city of Washington where large conventions or in which large public functions can be held, or where the permanent headquarters and records of national organizations can be administered; and

Whereas a building should be provided in which there shall be a large auditorium, halls of different sizes where all societies pertaining to the growth of our best interests can meet, and such as it is deemed desirable may have permanent headquarters; and

Whereas the George Washington Memorial Association is now engaged in obtaining funds for the erection and endowment of a building suitable for the purposes above set forth, to be known as the George Washington Memorial Building: Therefore

Be it enacted, etc., That a building is hereby authorized to be erected in the District of Columbia, to be known as the George Washington Memorial Building.

Sec. 2. That the control and administration of said building, when erected, shall be in the Board of Regents of the Smithsonian Institution.

Sec. 3. That the George Washington Memorial Association is authorized to erect said building in accordance with plans to be prepared under the supervision of the Commission of Fine Arts, said building to be fire-proof, faced with granite, and to cost not less than \$2,000,000; it shall have an auditorium that will seat not less than 8,000 people, and such other smaller halls, reception rooms, office rooms, etc., as may be deemed necessary to carry out the purposes for which the building is erected. And the said George Washington Memorial Association shall in addition provide a permanent endowment fund of not less than \$500,000, to be administered by the Board of Regents of the Smithsonian Institution, the income from which shall, as far as necessary, be used for the maintenance of the said building.

Sec. 4. That in order to carry into effect this act permission is granted the George Washington Memorial Association to erect said building in the north end of the reservation known as Armory Square, bounded by Sixth and Seventh Streets west and B Street north and B Street south. The south front of said building is to be on a line with the south front of the new National Museum Building, in the north end of the Smithsonian Park; and the said land is hereby set apart for that purpose.

Sec. 5. That said building may, among other purposes, be used for inaugural receptions and special public meetings authorized by Congress.

Sec. 6. That Congress may alter, amend, add to, or repeal any of the provisions of this act.

The SPEAKER. Is there objection?

Mr. HARDWICK. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman in charge of the bill what is the value of this lot that it is proposed to give away?

The SPEAKER. Who is in charge of this bill?

Mr. AUSTIN. The gentleman from North Carolina [Mr. GUDGER], who I notice is absent.

Mr. BURNETT. Mr. Speaker, in the absence of the gentleman from North Carolina I do not care to take charge of the bill, because I am free to say that I do not give it my enthusiastic support. I suggest that it be passed over without prejudice.

Mr. MANN. What was the gentleman's inquiry?

Mr. HARDWICK. I wanted to know the value of the property that was to be given away.

Mr. MANN. I wanted to make some other inquiry of the gentleman in charge of the bill.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks that the bill be passed over without prejudice.

Mr. MANN. Why?

The SPEAKER. Because the gentleman from North Carolina [Mr. GUDGER], who was in charge of the bill, is absent.

Mr. MANN. Well, there is no trouble about it, if the gentleman is absent. It can come up again.

Mr. COOPER. I would like to ask the gentleman from Alabama if the lot spoken of in this bill is the old Pennsylvania Railroad station lot.

Mr. BURNETT. I think so. I was not present at the time of the hearing and am not very familiar with it.

Mr. MANN. It is.

Mr. FITZGERALD. When was it named Armory Square?

Mr. MANN. This is in front of Armory Square; this is not Armory Square. This is to put a building in what is called the Mall, this way from the National Museum, on the same front, to take up a lot of space that is now used as a park. It is where the Pennsylvania Railroad station used to be, between Sixth and Seventh Streets. There is no guaranty in it that they will commence to build, and the Government of the United States will have to finish the building or leave it unfinished.

Mr. FITZGERALD. There is a guaranty that they will not begin construction until \$1,000,000 is subscribed, and that there will be a \$2,000,000 building.

Mr. MANN. There is no guaranty that there will be 10 cents raised.

Mr. FITZGERALD. No beginning is to be made until they have a million dollars.

Mr. AUSTIN. Five hundred thousand dollars of the erection fund is already subscribed.

Mr. FITZGERALD. That is on paper.

Mr. MANN. Not a cent paid in.

Mr. AUSTIN. There is an amendment which they agreed to before the committee that no work should be commenced until a million dollars was subscribed and paid into the treasury.

Mr. MANN. Who determines that?

Mr. AUSTIN. The Regents of the Smithsonian Institution. Mr. MANN. They have nothing to do with the erection of the building.

Mr. AUSTIN. Then what is the gentleman's question—who determines what?

Mr. MANN. When a million dollars is paid into the treasury?

Mr. AUSTIN. That can be easily ascertained. The amendment provides that the actual construction of the building shall not be undertaken until \$1,000,000 shall have been subscribed and paid into the treasury of the George Washington Association.

Mr. MANN. But who determines when it is done?

Mr. AUSTIN. A certificate of the treasurer stating that the money had been received, or a certificate from the bank in which the guaranty fund will be placed is sufficient to prove good faith and that the money is actually on hand.

Mr. GARRETT. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. GARRETT. Does it provide for a \$2,000,000 building?

Mr. AUSTIN. It provides for a \$2,000,000 public building, the title of which is to be in the regents of the Smithsonian Institution, with an endowment fund of half a million dollars to take care of the current expenses. There never was such a generous proposition submitted to this House, and there is no reason why it should not receive favorable consideration.

Mr. GARRETT. Where is the other million to come from? This provides that a million dollars must be raised, and it provides for a \$2,000,000 building.

Mr. AUSTIN. Let me say that the president is Mrs. Henry F. Dimock, of New York, sister of the late Secretary Whitney, of the Cleveland Administration. The vice presidents of the association are Mrs. Daniel Manning, Mrs. Henry R. Mallory, Miss Bessie J. Kibbey, Mrs. Charles J. Bell, and Mrs. Frederick McGuire, and the secretaries are Mrs. Nelson H. Henry and Miss Florence Guernsey. Mrs. Frank Northrop is treasurer, and among the advisory board are Senator Elihu Root; Dr. S. Weir Mitchell; Dr. William Welch; Gen. Horace Porter; Dr. Edwin Alderman, of the University of Virginia; Dr. Ira Remsen, of Johns Hopkins; Dr. Henry Fairfield Osborn; Dr. John A. Wyeth; and Dr. Thomas Nelson Page.

Mrs. Dimock has, as stated, already secured gilt-edge subscriptions to the extent of \$500,000 and, if we will encourage her by donating this site, will secure the balance and, in my opinion, put this meritorious proposition through. She is a talented, public-spirited, and patriotic woman, and Congress should cooperate with her by the passage of this bill, which has already passed the Senate.

Mr. GARRETT. I recognize the distinguished personnel of this organization and the excellent personnel of the organization. I do not make any question whatever about that. The question which I ask is, How is it contemplated that the second million dollars shall be raised? It is provided that there must be a million dollars before construction work begins. The bill does not provide that the title shall not pass, does it?

Mr. RAKER. The title never passes.

Mr. GARRETT. Is it expected that the Government will ever be called upon to appropriate for this building?

Mr. AUSTIN. Not a dollar.

Mr. GARRETT. What assurance has the gentleman from Tennessee for stating that?

Mr. AUSTIN. The assurance of the officers of this association who evidence their good faith by raising a million dollars before construction begins.

Mr. RAKER. Will the gentleman yield?

Mr. AUSTIN. I will yield to the gentleman.

Mr. RAKER. Would it not be appropriate here to amend this bill by providing that the construction shall not begin until \$2,000,000 is provided for, and then provide for some officer by name to determine that fact? Then you will have the thing entirely arranged. Have a provision that until the certificate of this officer is first obtained that the \$2,000,000 is subscribed and paid in they shall not start to turn a sod of ground. If that provision is put in, I think no better thing could be done than to permit such a building on that corner, costing \$2,000,000, for the purposes named.

Mr. AUSTIN. I have no objection to the bill being properly amended so as to meet any just or reasonable criticism.

Mr. HARDWICK. Mr. Speaker, I object.

The SPEAKER. The gentleman from Georgia objects, and the bill is stricken from the calendar.

STANDING ROCK INDIAN RESERVATION.

The SPEAKER. The Clerk will report the next bill.
The Clerk read as follows:

Union Calendar, No. 218 (S. 109), an act to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

Mr. MANN. Mr. Speaker, the Clerk read, "Union Calendar 218." I hold in my hand Union Calendar 219, and I would like to know if this is the bill which is under consideration.

Mr. STEPHENS of Texas. This is Senate bill 109.

The SPEAKER. The Clerk informs the Chair that there is a typographical error.

Mr. FOSTER. Mr. Speaker, I object, so it will not be necessary to read the bill any further.

Mr. MANN. Mr. Speaker, there are several errors of that kind, typographical and otherwise, upon the calendar, and I hope that the clerk who has charge of that will correct them, so that the numbers of the calendar will be correct according to the numbers on the bills.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] objects.

Mr. STEPHENS of Texas. Mr. Speaker, I will ask the gentleman to withhold his objection for a moment.

Mr. FOSTER. Certainly.

Mr. STEPHENS of Texas. Mr. Speaker, I desire simply to state that this is a bill of the gentleman from South Dakota [Mr. BURKE]. It is in accordance with a bill that has already passed, opening most of this reservation for settlement. This is only a balance that should be opened, and the bill has passed the Senate unanimously and has been reported unanimously from the committee. I know of no reason why the bill should not become a law. I hope that the gentleman from Illinois will not object. The gentleman from South Dakota [Mr. BURKE] is at present in a sanitarium in Indiana.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I understand the gentleman from Texas wants to pass this bill over for the present on account of the sickness of Mr. BURKE of South Dakota. I have no objection to that.

Mr. STEPHENS of Texas. I would rather do that.

The SPEAKER. The gentleman from Texas asks unanimous consent to pass this bill without prejudice on account of the sickness of Mr. BURKE of South Dakota. Is there objection?

Mr. MARTIN of South Dakota. Mr. Speaker, if the gentleman from Illinois [Mr. FOSTER] is going to object to the bill for the present we can not prevent it, but I was desirous very much, on account of the absence of my colleague, at his request, to dispose of this bill at this time.

The SPEAKER. Is there objection to passing the bill without prejudice? [After a pause.] The Chair hears none and it is so ordered.

FIRST BAPTIST CHURCH, PLYMOUTH, MASS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6472) to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to grant, relinquish, and convey, by quitclaim deed, for and in consideration of \$100 cash, to the First Baptist Church of Plymouth, Mass., that portion of the Burn's lot included in the Federal building site in said city, to the south of the continuation of the southerly boundary line of the next adjacent property conveyed to the United States by said First Baptist Church, and to deposit the proceeds of such sale in the Treasury as a miscellaneous receipt.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

REDWOOD PARK, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19476) granting certain lands to the State of California to form a part of Redwood Park in said State.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to transfer by patent all of the vacant lands owned by the United States in townships 8 and 9 south, ranges 3 and 4 west, Mount Diablo meridian, in the State of California, to the said State of California, on condition that the said lands be added to and form a part of the Redwood Park now owned and maintained by said State.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this bill covers certain lands in townships 8 and 9 south, ranges 3 and 4 west, and it is to donate them to the State of California. That seems to be a proper thing to do. I notice that the department says that the lands in township 8 are a considerable distance from the reservation and probably would be of no use.

Mr. HAYES. Mr. Speaker, I have no objection to that. The total amount in township 9. Would not the gentleman from California be willing to eliminate that?

Mr. HAYES. Mr. Speaker, I have no objection to that. The lands in township 9 are a considerable distance from the present boundaries of the park, and I see no objection to the request of the gentleman from Illinois.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 10, after the word "State" add the following: "Provided, That this act shall not interfere with valid existing rights initiated by settlement on any of said lands under the public-land laws prior to February 10, 1902, and maintained in accordance with the law under which initiated up to the date of the passage of this act, if proper application to enter said lands be made within 90 days from date of approval hereof: *Provided further,* That whenever these lands cease to be used as a public park by the said State of California the same shall again revert to the United States."

Mr. RAKER. Mr. Speaker, I want to call the attention of the House to the fact that the Secretary of the Interior recommended this amendment as to the reserving of valid existing rights up to a certain date, and the committee felt that they should put on this amendment suggested by the Secretary of the Interior and the amendment suggested by me as one of the members of the subcommittee appointed to consider this bill, and the subcommittee recommended this subsequent amendment, namely:

Provided further, That whenever these lands cease to be used as a public park by the said State of California the same shall again revert to the United States.

We felt that when the State ceased using it for a public park, and a public park only, then the land should return to the United States as Government land. That, therefore, protects the Government. The committee felt that the bill in that condition ought to pass.

Mr. CANNON. How much is this—how many sections?

Mr. RAKER. Only about 800 acres—

Mr. MANN. Thirty-nine hundred and eighty-five; the gentleman is only off a little over 3,000 acres.

Mr. RAKER. I mean about 4,000. The California Redwood Park, now owned by the State of California, and the land covered by this bill amounts to 3,985.25 acres. The report of the Secretary of the Interior upon this bill was made to the Committee on the Public Lands, and is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 21, 1912.

Hon. JOSEPH T. ROBINSON,

Chairman Committee on the Public Lands,
House of Representatives.

SIR: I am in receipt of your request for a report on H. R. 19476, granting certain lands to the State of California.

This bill is identical with S. 5361, upon which this department, on March 6, 1912, reported as follows to the Committee on Public Lands, United States Senate:

This bill directs the Secretary of the Interior to issue patent to the State of California for all vacant lands owned by the United States in Tps. 8 and 9 S., Rs. 3 and 4 W., Mount Diablo meridian, in California, on condition that said lands be added to and form a part of the California Redwood Park, now owned and maintained by said State.

The Redwood Park, consisting of lands acquired by the State of California through purchase, lies in secs. 29, 32, and 33, T. 8 S., R. 3 W., secs. 4, 5, 6, 7, 8, and 9, T. 9 S., R. 3 W., and sec. 1, T. 9 S., E. 4 W., Mount Diablo meridian, and contains about 4,000 acres.

The townships named in the bill were surveyed and plats duly filed about 40 years ago, and the lands were subject to entry until February 10, 1902, when this department withdrew them from settlement and entry pending their proposed donation to the State for park purposes. In T. 9 S., R. 4 W., are 3,025.23 acres still unappropriated; in T. 8 S., R. 3 W., however, there is only one 40-acre tract remaining vacant; in T. 8 S., R. 4 W., there are 480 acres, and in T. 9 S., R. 3 W., there are 440 acres.

The unappropriated tracts in T. 8 S., Rs. 3 and 4 W. (namely, NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ sec. 23, of the first-named township, and NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 9, N. $\frac{1}{4}$ NW. $\frac{1}{4}$ sec. 10, NE. $\frac{1}{4}$ NW. $\frac{1}{4}$ sec. 13, NE. $\frac{1}{4}$ and N. $\frac{1}{4}$ S. $\frac{1}{4}$ sec. 21, of the last-named township) are so widely scattered and at so great a distance from the park that it is not thought that they would be of use in connection therewith. However, this department does not desire to interpose any objection to the pending bill, and recommends its enactment into law.

It would appear that some provision should be made for the protection of the right of persons who may have made settlement upon portions of the land prior to the withdrawal of February 10, 1902, and whose period for making entry had not then expired. It is suggested, therefore, that the bill be amended by adding the following proviso:

Provided, That this act shall not interfere with valid existing rights initiated by settlement on any of said lands under the public-land laws prior to February 10, 1902, and maintained in accordance with the law.

under which initiated up to the date of the passage of this act, if proper application to enter said lands be made within 90 days from date of approval hereof."

Very respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

I trust there will be no objection to the consideration of this bill. The entire State is interested in it. It will always be preserved as and for a public park for the use of all the people of the United States, improved and beautified by the citizens of California at the State's expense, and if at any time in the future it should not be so used it then reverts to the United States and becomes a part of the public domain, to be disposed of as the wisdom of Congress shall approve. The more "beauty spots" we preserve the better it is for our people. We want more playgrounds, and this will be one of them. Let us do all we can to conserve these natural parks, and when we find a State willing to assist we should encourage its laudable efforts.

Mr. HAYES. If township 8 is stricken out, there are only about 3,400 acres.

Mr. MANN. There are 3,985 acres.

Mr. RAKER. I did not get through with the matter. The gentleman is right as to the amount provided in the bill as it stands.

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. MANN. Mr. Speaker, I ask unanimous consent, or suggest that the gentleman from California ask unanimous consent, to consider this bill in the House as in Committee of the Whole, it being on the Union Calendar.

Mr. HAYES. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from California asks unanimous consent to consider this bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out, in line 5, at the end of the line, the words "eight and."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike out the words "eight and" at the end of the line.

The question was taken, and the amendment was agreed to.

Mr. HAYES. Mr. Speaker, I ask unanimous consent that the word "California" be inserted between the word "the" and the word "Redwood," line 9, page 1.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, insert the word "California" between the word "the" and the word "Redwood."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill granting certain lands to the State of California to form a part of California Redwood Park in said State."

On motion of Mr. HAYES, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN TRADE AND FOREIGN SHIPPING MONOPOLIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23470) to protect American trade and American shipping from foreign monopolies.

The Clerk read as follows:

A bill (H. R. 23470) to protect American trade and American shipping from foreign monopolies.

Be it enacted, etc., That whenever in a proceeding brought under the provisions of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," it shall be adjudged that the owners, managers, or operators of any vessel or vessels, whether of the United States or of any foreign country, are engaged in a contract, combination, or conspiracy in restraint of interstate or foreign trade or commerce, or are monopolizing or attempting to monopolize any part of such trade or commerce, in violation of such act, the court may, by its judgment or decree, prohibit all vessels employed pursuant to such contract, combination, or conspiracy, or in such monopolization or attempt to monopolize, from entering at or clearing from any port of the United States; whereupon it shall be unlawful for such vessel or vessels to so enter or clear until the court shall find that such contract, combination, or conspiracy has been canceled, terminated, or dissolved, or such monopolization or attempt to monopolize ended.

Sec. 2. That a penalty of \$25,000 shall be imposed upon any vessel which shall enter or clear from any port of the United States in violation of the provisions of a judgment or decree rendered as provided in section 1 of this act, for each and every such entry or clearance, which penalty or penalties may be recovered by proceedings in admiralty in the district court of the United States for the district in which said vessel may be, and which court may direct the sale of said vessel for the purpose of realizing the amount of said penalty or penalties and cost.

Sec. 3. That the Postmaster General is hereby authorized and directed to cancel any contract for carrying the ocean mails pursuant to the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," on satisfactory evidence to him that any vessel performing such a service under such contract is, at the time of performing such service, owned, operated, or controlled by any person or persons who, in any proceeding, civil or criminal, instituted by the Government of the United States, have been adjudged by a court of the United States to have violated the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and that said vessel performing such a service under such contract at the time of performing such service is being used to carry out the purposes and objects adjudged unlawful in such proceeding.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object. I desire to inquire of the gentleman what is the purport of this bill and whom it is desired to reach? I notice that the bill reads, "To protect American trade and American shipping from foreign monopolies." Is it the intention of this bill to protect American trade from foreign monopolies or also from our own shipping monopolies?

Mr. HUMPHREY of Washington. I will say to the gentleman, both. I was going to ask unanimous consent, if the bill should pass, to strike out the word "foreign." That remained in the bill after the bill was changed.

Mr. SABATH. Now, this appears to be a very important measure, and as I have noticed the gentleman states that he and the committee have overlooked the amending of the bill as it should be amended, and believing that perhaps there may be several other provisions in the bill that ought to be amended, I believe the gentleman, in addition to what I have stated, should explain to the House what he aims at or what the bill really means.

Mr. HUMPHREY of Washington. I will be very glad to explain the bill to the gentlemen. This bill, I may say for the benefit of the House, was drawn by the Attorney General in the present form in which we now have it. The failure to strike out the word "foreign" was an omission when the bill was changed. Now what this bill means is simply this, that if any combination, either foreign or domestic in shipping, is convicted of a violation of the Sherman antitrust law, then in the decree there may be entered up a provision preventing any ship used for the purpose from entering or clearing from any American port, and the purpose of the bill is to perfect the remedy. Under the law as it exists to-day you can enter such a decree, but only against the persons owning the ship. Now I think it would be a very great advantage to enter that decree against the ship itself, and every member of our committee agrees to this. The bill is unanimously reported, and the chairman, Judge ALEXANDER, and Mr. HARDY, of Texas, and myself, saw the Attorney General and conferred with him in regard to the matter.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HUMPHREY of Washington. I yield to the gentleman.

Mr. FITZGERALD. Suppose the conditions described by the gentleman were to exist and one of those vessels bound for some port in some country other than the United States was compelled to put into a port of the United States in distress. The penalty would run against that vessel.

Mr. HUMPHREY of Washington. Not unless suit had been brought against the vessel and it had been adjudged to be in violation of the law, and if under those circumstances it come into our port, having violated our law, why should the vessel be permitted to clear until it has paid its fine?

Mr. FITZGERALD. I think this bill goes further than that. These vessels might have departed to some other port. If such a vessel enters or clears an American port after the decree and is subject to a decree, it might be compelled to enter a port of the United States because of distress at sea. Now, the question to my mind is, would it not be a gross injustice to penalize a vessel under such conditions?

Mr. HUMPHREY of Washington. I do not think that any such occasion would arise; but if it did, I would see no objection to it. After they had been adjudged guilty of violating our laws, if they came in our port under any circumstances, why should they not be punished?

Mr. MOORE of Pennsylvania. There has been some question recently about our ability to reach foreign vessels concerning which there may be a controversy, such, for instance, as would arise from the sinking of the *Titanic*. There is not any doubt about our ability to reach such vessels if the companies controlling them should own real estate at any of the ports of the United States, is there?

Mr. HUMPHREY of Washington. I would say, according to the decision of the district court in New York recently, there is no question about our being able to reach any of these vessels that come to our ports.

Mr. MOORE of Pennsylvania. We certainly can if they own property in the United States.

Mr. HUMPHREY of Washington. That is a decision of the court in New York in any event.

Mr. MOORE of Pennsylvania. If this bill passes it means no more nor less than this, that if it is determined by an action in court and by the judgment of a court that a foreign vessel or a company owning a foreign vessel is engaged in such a combination as is herein set forth it is subject to the penalties herein imposed, and not otherwise.

Mr. HUMPHREY of Washington. It adds an additional remedy, as I have attempted to explain. Under the law as it exists now, in the opinion of the Attorney General, there could be a decree preventing the clearing or entering the vessel against the owner of the vessel, but if this is passed they can enter the decree against the vessel itself, and the Attorney General thinks that would be of great advantage.

Mr. MOORE of Pennsylvania. It contemplates the abrogation of contracts by the Postmaster General for carrying the mails. That, of course, is a very important amendment.

Mr. HUMPHREY of Washington. That can not be done until they have been adjudged to have violated the laws.

Mr. MOORE of Pennsylvania. Then such a contract could not be abrogated until it was determined by a court proceeding that there was such a combination as is offensive to this law.

Mr. HUMPHREY of Washington. That is correct. And I want to call the gentleman's attention to the fact that there are three suits of that character now pending—two against foreign shipping and one against domestic shipping—running from Puget Sound to Alaska, and it would have application to all of these suits.

Mr. HARDY. I would suggest to the gentleman that the title of the bill ought to be changed so as to get it right.

Mr. HUMPHREY of Washington. I was going to ask unanimous consent to amend the title after the bill passed.

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to ask in regard to the language of the third section. You undertake there to authorize the cancellation of any contract entered into by the Post Office Department relative to the carrying of the mails; but it does not seem clear to me that you limit the cancellation of the contract with those ships that are used in pursuance to an agreement that is contrary to the law prohibiting a monopoly. I have tried to follow it so as to get a perfect understanding in regard to it.

Mr. HUMPHREY of Washington. It was given a great deal of consideration.

Mr. SHERLEY. That may be; but either one of two things must happen. We must either abrogate our functions and accept the gentleman's statement, or the Attorney General's statement, or somebody else's statement, or we must undertake to understand the bill.

Mr. MANN. The language provides that vessels owned by any person or corporation that has been adjudged guilty of violation—

Mr. SHERLEY. That is just it. I am not prepared to say you ought to carry the punishment that way. A man may be the owner of a ship, using it in an entirely separate business, and he may be adjudged in violation of the antitrust law in some other business.

Mr. MANN. If the gentleman will pardon me, the bill also provides, in addition to that, that the vessel must be used for the purpose of carrying out the objects and purposes of the law.

Mr. SHERLEY. It does not say that in section 3, and I want to find out—

Mr. MANN. The gentleman will find that in line 9, where it says:

And that said vessels performing such a service under such contract at the time of performing such service is being used to carry out the purposes and objects adjudged unlawful in such proceedings.

Mr. SHERLEY. The gentleman is right. I found the word "contract" related to a Government contract and not an unlawful contract, and did not notice the concluding lines.

Mr. MANN. Which was very natural.

Mr. HUMPHREY of Washington. As I said to the gentleman, we did put in a great deal of time to perfect the language of this bill. It may not be right, and we would like to invite criticism of it.

Mr. SHERLEY. The trouble is that it is impossible, at 20 minutes to 6 o'clock, with a handful of people here, really to consider a question of this kind. What the gentleman is asking is that we take it on faith.

Mr. MANN. The bill is well drawn. It is very carefully drawn. There is no question about that.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield to me?

Mr. HUMPHREY of Washington. Certainly.

Mr. TAYLOR of Colorado. Will the gentleman yield?

The SPEAKER. Does the gentleman from Washington yield to the gentleman from Colorado?

Mr. HUMPHREY of Washington. Yes.

Mr. ALEXANDER. I will wait until the gentleman from Colorado has finished.

Mr. TAYLOR of Colorado. I wanted to suggest and inquire of the gentleman from Illinois [Mr. MANN] why we did not have a certificate of good character upon this bill from the Attorney General in the form of a written opinion indorsing it, so that it would be in the record here and would be a legal document that we can read and digest a little.

Mr. MANN. I think the gentleman is right—that it ought to be there.

Mr. TAYLOR of Colorado. In a matter of this importance I think the Attorney General, whether he wrote the bill or not, ought to go on record as fathering it, giving some reason why this should be enacted here.

Mr. MANN. The gentleman is endeavoring to be sarcastic at my expense.

Mr. TAYLOR of Colorado. No; I beg the gentleman's pardon; I am not.

Mr. MANN. There is a great deal of difference between a bill involving local legislation and a bill about some land somewhere.

Mr. TAYLOR of Colorado. I have no doubt this has received more consideration than a local bill.

Mr. MANN. I have no doubt it has.

Mr. HUMPHREY of Washington. I will say that the Attorney General wrote the report and was present at the meeting of our committee in person.

Mr. TAYLOR of Colorado. Is there a published hearing on this bill?

Mr. HUMPHREY of Washington. Yes; I think so.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. ALEXANDER. There were hearings had before the committee, but they are not printed. This presents a question of law, and—

Mr. TAYLOR of Colorado. I beg the gentleman's pardon. Very often the hearings are printed on an important bill.

Mr. ALEXANDER. I mean in this case. The bill as originally introduced by the gentleman from Washington [Mr. HUMPHREY] provided that any foreign vessel entering an American port—a vessel that might be in one of these combinations in violation of the Sherman antitrust act—should be subject to the penalties provided in this bill. It did not meet the approval of the committee. We referred the bill to the Department of Justice, suggesting that it should apply to domestic as well as foreign combinations. A communication was received by the committee from the Department of Justice, suggesting a substitute bill for the original bill introduced by the gentleman from Washington [Mr. HUMPHREY]. That bill did not meet the views of the committee, and by request the Attorney General appeared before the committee, and the provisions of the bill were thoroughly discussed and certain amendments were suggested. The Attorney General then took the bill back to the Department of Justice and gave it thorough consideration and returned the bill to the committee substantially in the present form, and it was reintroduced by the gentleman from Washington [Mr. HUMPHREY].

Now, if there is anything in the bill that gentlemen do not understand, the gentleman from Washington and I and other members of the committee present will undertake to explain it. However, I may say it was designed to meet this situation: Under the Sherman antitrust law the court may in a decree declare a combination to be unlawful. The committee thought that it should be put beyond question that the court in the decree might not only declare the combination to be unlawful, but might specifically declare that the ships used as instruments to violate the law might be prohibited from entering or departing from an American port so long as that combination existed, and if they should attempt to enter or depart during that time they should be subjected to the penalty provided in the bill.

Mr. SHERLEY. Will the gentleman yield?

Mr. ALEXANDER. In a moment. Now, the question came up: How could the law be administered? Simply in this way: If a foreign ship that was declared by the court in the decree to be in an unlawful combination should enter or undertake to depart from an American port, or if a company owning such a ship wanted that ship to enter or depart from an American port,

the burden would be upon it to show that it was no longer in that combination. The burden would not be imposed on the Government to show that the ship or the company owning it was in that combination—a burden which you will readily understand would be an onerous one on the Government—but would rest with the owner of the vessel.

Now, it has been said that if we undertake to enforce such a penalty in view of the fact that 90 per cent of our foreign trade is carried in foreign ships, we may stop them from departing from American ports and we will not have the means of carrying our foreign commerce. The answer is that these ships are dependent for their profits on our commerce and it is up to us whether or not, in view of that situation, we will let them continue to violate the law and trample it under foot or face that contingency. In my view, rather than be shut out of this remunerative trade, rather than have their ships rot at the docks or seek other less profitable trade, they will obey the law. The purpose of this bill is to strengthen the Sherman anti-trust law.

Mr. TAYLOR of Colorado. I am not criticizing the purpose of the bill so much as I am a bill of this importance, involving grave legal questions, as suggested by the gentleman from Kentucky, rushing it through under unanimous consent, without any opinion of the Attorney General to go in the RECORD, to be referred to hereafter.

Mr. ALEXANDER. I feel authorized to say that this bill has the approval of the Attorney General.

Mr. TAYLOR of Colorado. I do not doubt the gentleman's word at all, but it ought to be on record so that the Congress of the United States would know what that opinion is and have a chance to refer to it hereafter. I have observed that bills that have not involved one-millionth part as much as this bill have been called up and somebody bobbed up and insisted that there should be a departmental report on it in the RECORD.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, still reserving the right to object, I would like to ask the gentleman this question: Whether there was considered the proposition on how far we had the right to determine that a contract of foreign owners of a foreign ship, legal in their country, should be made illegal by our laws, so as to permit us to prohibit the use of our ports to such ship. We have various treaty engagements with most of the maritime nations of the world, guaranteeing equality of treatment of their vessels and our own, and without having any opinion, I want to know if that phase of this matter was considered.

We have handicapped shipping, both American and foreign, in as many ways as possible, and frequently have done it without knowing that we were doing it. If we could repeal most of the maritime laws, which are archaic—a hundred years old—we would get a merchant marine that the gentleman from Washington talks about so much and which he desires to create at the expense of the Public Treasury. What I am concerned about is whether all the angles of this important bill have been considered.

Mr. MANN. Mr. Speaker, I think there is no quorum present.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, it is evident there is no quorum present, and I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 21, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of State submitting estimate of appropriation to be included in the sundry civil appropriation bill to pay expenses of delegates of the United States to the International Conference on Maritime Law, to meet at Brussels in 1912 (H. Doc. No. 763), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 6412) to regulate radio communication, reported the same without amendment, accompanied by a report (No. 741), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 2626) granting an increase of pension to Solomon D. Stutz, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 24694) directing the Secretary of War to have inscribed emblems or insignias of secret orders on monuments and gravestones of deceased members of secret orders in the national cemeteries of the United States; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky (by request of the United States district attorney for the District of Columbia): A bill (H. R. 24695) to amend Subchapter II of Chapter XIX of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. CARY: A bill (H. R. 24696) to prevent the use of mails for certain purposes; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 24697) to regulate the operation of automobiles in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 24698) to incorporate the Virginia Terminal Co.; to the Committee on the District of Columbia.

By Mr. AINEY: A bill (H. R. 24699) extending the time for the repayment of certain war-revenue taxes erroneously collected; to the Committee on Claims.

By Mr. REDFIELD (by request): A bill (H. R. 24700) to promote the efficiency of the customs service and to establish the customs guards; to the Committee on Ways and Means.

By Mr. KAHN: A bill (H. R. 24701) to authorize the entry and patenting of lands containing asbestos under the placer mining laws of the United States; to the Committee on the Public Lands.

By Mr. HAYDEN: A bill (H. R. 24702) for the erection of a public building at the city of Tucson, Ariz.; to the Committee on Public Buildings and Grounds.

By Mr. BULKLEY: A bill (H. R. 24703) to extend the authority to receive certified checks drawn on National and State banks and trust companies in payment for duties on imports and internal taxes to all public dues; to the Committee on Ways and Means.

By Mr. ALEXANDER: Resolution (H. Res. 544) providing for the immediate consideration of certain bills; to the Committee on Rules.

By Mr. NELSON: Resolution (H. Res. 545) authorizing the appointment of a committee of five Members of the House of Representatives to inquire into the expenditure of public moneys for press bureaus, postage, stationery, etc., by the Department of Agriculture and by other departments; to the Committee on Rules.

By Mr. SMITH of Texas: Resolution (H. Res. 546) authorizing the payment of expenses of the Committee on Irrigation of Arid Lands, or a subcommittee thereof, which may be incurred by such committee in sitting at places other than the city of Washington; to the Committee on Accounts.

By Mr. DONOHUE: Concurrent resolution (H. Con. Res. 52) providing for lowering flags to half-mast on Government buildings and reservations at a certain hour on Memorial Day; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 24704) granting an increase of pension to Charles W. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24705) granting an increase of pension to William H. Schnittger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24706) granting an increase of pension to Caleb H. Bryan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24707) granting an increase of pension to Mark Clinger; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 24708) granting an increase of pension to Millard F. De Geer; to the Committee on Pensions.

By Mr. DIFENDERFER: A bill (H. R. 24709) granting a pension to Loretta J. Wilkinson; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 24710) for the relief of the heirs of John R. Burgstiner; to the Committee on War Claims.

Also, a bill (H. R. 24711) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Darien, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24712) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Sylvania, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24713) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the county of Bryan, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24714) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Springfield, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24715) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Millen, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24716) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Lyons, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24717) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Reidsville, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24718) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Swainsboro, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24719) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Hinesville, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24720) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Savannah, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24721) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Statesboro, in the State of Georgia; to the Committee on Military Affairs.

By Mr. GARRETT: A bill (H. R. 24722) to correct the military record of Robert A. Crider; to the Committee on Military Affairs.

By Mr. GREEN of Iowa: A bill (H. R. 24723) granting an increase of pension to Mary Eckert; to the Committee on Invalid Pensions.

By Mr. HARRISON of New York: A bill (H. R. 24724) to remove the charge of desertion from the military record of George F. Schoepp, alias George Schmidt, and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 24725) granting a pension to T. C. Jackson; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 24726) granting an increase of pension to James H. Barker; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 24727) granting an increase of pension to Samuel E. B. Abbott; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 24728) granting an increase of pension to James W. Call; to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 24729) for the relief of the heirs of Thomas E. Roberson; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 24730) granting an increase of pension to William G. Lane; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 24731) for the relief of the estate of Phereby R. Sheppard; to the Committee on War Claims.

By Mr. SLOAN: A bill (H. R. 24732) granting an increase of pension to Sarah I. Smith; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 24733) granting an increase of pension to John B. Williams; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 24734) granting an increase of pension to Elizabeth A. Morris; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of the Polish societies of America, against passage of the Dillingham and other bills providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. AKIN of New York: Memorial of the Jewish Community (Kehillah) of New York City, opposing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of citizens of Philadelphia, Pa., adopted at a public meeting, favoring Senate bill 3175, providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. ANDERSON of Ohio: Petitions of C. M. Parker, Lincoln, Nebr.; Charles T. Coleman, Canton, Ill.; William Young, Franklin, Ind.; Jesse Burkett, W. A. Evans, and S. D. Frank, Troy, Ohio; and Wesley J. Knaggs, relative to increase of pensions for maimed veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. AYRES: Petition of Sherman Council, No. 1, Junior Order United American Mechanics (Inc.), of New York City, N. Y., favoring passage of Senate bill 3175, restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of Paul Brown Lodge, Borough of the Bronx, N. Y., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY: Petition of the Cleveland Chamber of Commerce, favoring appropriation of \$200,000 to continue the work of promoting economy and efficiency in the Federal departments; to the Committee on Appropriations.

By Mr. BROWNING: Petition of the Farmers' Union and Brotherhood of Railway Trainmen, of Harrisburg, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CARY: Petition of the United Israelite Society of Wisconsin against passage of the Dillingham and other bills providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, resolutions of the La Crosse Board of Trade, La Crosse, Wis., favoring minority report on section 5 of the Panama Canal toll bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CURLEY: Petition of citizens of the State of Massachusetts favoring passage of House bill 22339 and Senate bill 6172, against the Taylor system of stop watch; to the Committee on the Judiciary.

Also, resolutions of the Farmers' Union, the Patriotic Order Sons of America, the American Purity Federation, and the Brotherhood of Railroad Trainmen favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of members of Independent Order B'rith Abraham lodges and other societies of the State of Massachusetts, against passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petition of State Council, Junior Order United American Mechanics of New York; Brotherhood of Railroad Trainmen; American Purity Federation; Farmers' Union of America; citizens of Philadelphia, Pa.; Patriotic Order Sons of America, and Daughters of Liberty, of Pittsburgh, Pa.; favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of the National Lumber Manufacturers' Association favoring adoption of bill to prohibit importation of nursery stock, etc., by which insect pests and plant diseases are introduced into the United States; to the Committee on Agriculture.

Also, petition of the Rice-Stix Dry Goods Co., of St. Louis, Mo., favoring continuance of the Tariff Board; to the Committee on Appropriations.

Also, petition of the Merchants' Exchange of St. Louis, Mo., and National Lumber Manufacturers' Association, indorsing the Newlands river-regulation bill; to the Committee on Rivers and Harbors.

Also, petition of the Wireless Association of Philadelphia, Pa., favoring passage of House bill 15357, a bill to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Lumber Manufacturers' Association, favoring amending of the Sherman Antitrust Act, and support movement toward placing on a civil-service basis the Diplomatic and Consular Service of the subordinate classes; to the Committee on Foreign Affairs.

Also, petitions of the National Lumber Manufacturers' Association, favoring passage of bill to open the Panama Canal free to American ships, and of the St. Louis Hotel Men's Association, of St. Louis, Mo., favoring passage of the Stevens-Gould net-weight bill (H. R. 4667); to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Farmers' Union, citizens of Philadelphia, Pa., and the Brotherhood of Railroad Trainmen, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petitions of the Allied Committee of the Political Refugee Defense League of America; National Liberal Immigration League; United Polish Society, of New York City, N. Y.; Gmina Polska Polaczonych Tow Polsko Narodowych; Workmen's Circle; United Hebrew Trades of New York City; Italo-American Alliance of the United States of America, of Philadelphia, Pa.; Chinese Consolidated Benevolent Association, of San Francisco, Cal.; lodges of Order of B'rith Abraham, and other societies of St. Louis, Mo., against passage of the Dillingham and other bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, St. Louis, Mo., in opposition to the passage of the Federal exclusive compulsory workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of citizens of Missouri, favoring passage of the anti-Taylor system bill (H. R. 22339); to the Committee on Labor.

Also, petition of the Missouri State Dental Association, Clinton, Mo., favoring passage of Senate bill 5177, relative to certain patent laws; to the Committee on Patents.

By Mr. ESCH: Memorial of a public meeting of citizens of Philadelphia, Pa., favoring Senate bill 3175, providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Memorial of the Italo-American Alliance of the United States, of Philadelphia, Pa., opposing Senate bill 3175, providing for a literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the New York Milk Committee, favoring appropriation for continuance of Commission on Efficiency and Economy; to the Committee on Appropriations.

Also, memorial of the National Jewelers' Board of Trade, of New York, N. Y., opposing legislation that would deny patentees the right to control retail prices of their product; to the Committee on Patents.

Also, memorials of the Order United American Mechanics of the State of New York and convention of Farmers' Union, for immigration restrictive legislation; Junior Order United American Mechanics, favoring the Dillingham bill providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the Long Island Game Protective Association, favoring legislation for the protection of migratory game birds; to the Committee on Agriculture.

By Mr. FULLER: Petition of Asa J. Miller, Westfield, Vt., and Francis A. Gaskill, Vale, S. Dak., favoring passage of House bill 1339, granting increase of pension to Civil War veterans who have lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the State Street Baptist Church, of Rockford, and the Woman's Christian Temperance Union and others, of Tonica, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the American Purity Federation, favoring passage of the Dillingham bill (S. 3175) providing literacy test for immigrants, etc.; to the Committee on Immigration and Naturalization.

Also, petition of the Illinois and Chicago Civil Service Reform Association, against sections 4 and 5 of House bill 24023, the legislative, executive, and judicial appropriation bill, relating to civil-service employees, etc.; to the Committee on Appropriations.

By Mr. GALLAGHER: Memorial of the Woman's Trade Union League of Chicago, Ill., favoring House bill 11372, for greater safety in ocean travel; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Polish Roman Catholic Union of Chicago, opposing the Dillingham bill providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of Netter Lodge, No. 156, Order B'rith Abraham, of Chicago, Ill., opposing the Dillingham bill, providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Petition of lodges of Order B'rith Abraham, of New York City, against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GREEN of Iowa: Petition of 71 voters of Woodbine, Iowa, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of the Cigar and Tobacco Dealers' Mutual Protective Association, of Salt Lake City, Utah, favoring the passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of Bingham Miners' Union, Bingham Canyon, Utah, protesting against the restricting of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Salt Lake Lodge, No. 106, International Association of Machinists, favoring the passage of House bill 22339, for prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

By Mr. HUGHES of New Jersey: Memorial of the Jewish Community (Kehillah), of New York City, opposing legislation requiring a literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the Board of Trade of Elizabeth, N. J., favoring Senate bill 4308 and House bill 17736, providing a reduction in letter postage; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: Petition of Bellingham Lodge, No. 512, of Bellingham City, Wash., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of Chinese Consolidated Benevolent Association and of C. H. Tribe, of San Francisco, Cal., in opposition to the passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of David Starr Jordan and 17 other individuals and companies, favoring passage of House bill 20118, for the establishment of bonded districts at the ports of the United States; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring the passage of the Sulzer bill for improving the Consular Service; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Francisco, Cal., in opposition to House bill 21100, to codify, amend, and revise the laws relating to the judiciary; to the Committee on Immigration and Naturalization.

Also, petition of A. G. McCarthy and C. J. Auger, of San Francisco, Cal., protesting against any change in the present patent laws that would affect price maintenance; to the Committee on Patents.

Also, petition of the Henry R. Worthington Co., San Francisco, Cal., in opposition to House bill 21969, for restricting certain American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Martin, Dangers & Camm, San Francisco, Cal., favoring standard barrel amendment to Tuttle bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Retail Druggists' Association of San Francisco, Cal., in opposition to the passage of the Richardson bill; to the Committee on the Judiciary.

Also, petition of the Griffin & Skelley Co., San Francisco, Cal., favoring appropriation relative to the care of the Mississippi floods; to the Committee on Rivers and Harbors.

Also, petition of G. A. Emselen, Jr., of San Francisco, Cal., favoring price-maintenance bill; to the Committee on Patents.

Also, petition of 41 members of the Jewish Community of New York City, against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring appropriation for improving levees of Mississippi River; to the Committee on Rivers and Harbors.

By Mr. KONOP: Petition of citizens of Pittsfield, Chase Angelas, and Maple Grove, Wis., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of W. H. Ainsworth, Company K, Forty-third Regiment New York Volunteers, Columbus, Ohio, and of Augustus Cadregin, Endicott, N. Y., favoring passage of House bill 1339, granting an increase of pension to veterans of the Civil War who have lost a limb; to the Committee on Invalid Pensions.

Also, petition of William A. Schaber, Mount Ephraim, Ohio, favoring passage of House bill 1339, granting increase of pen-

sion to veterans of the Civil War who have lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, relative to amendment to the Sherman antitrust law; to the Committee on the Judiciary.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, favoring the free use of the Panama Canal by American boats; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, relative to the control of floods in the Mississippi River and its tributaries; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, relative to the preventing of importation of injurious insects; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, relative to improving the United States Consular and Diplomatic Service; to the Committee on Foreign Affairs.

By Mr. MARTIN of South Dakota: Petition of the Chinese Consolidated Benevolent Association, of San Francisco, Cal., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Junior Order United American Mechanics, New York, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MCGILLICUDDY: Petition of Central Labor Union of Lewiston, Me., favoring passage of Senate bill 5474 and House bill 19133, for postal-express service; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petition of the Council of Jewish Women of Philadelphia, Pa., against passage of the Dillingham bill, containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Philadelphia, Pa., and the Farmers' Educational and Cooperative Union of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Memorial of the Fullerton (N. Y.) Chamber of Commerce, in favor of House bills 22589 and 20044, providing for United States ownership of buildings for its representatives in foreign countries; to the Committee on Foreign Affairs.

Also, memorial of the National Lumber Manufacturers' Association, relative to Panama Canal legislation; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the National Lumber Manufacturers' Association, relative to amending the Sherman antitrust law; to the Committee on Foreign Affairs.

Also, memorial of the National Lumber Manufacturers' Association, relative to importation of injurious insects; to the Committee on Agriculture.

Also, memorial of the National Lumber Manufacturers' Association, relative to United States consular and diplomatic service; to the Committee on Foreign Affairs.

Also, memorial of the National Lumber Manufacturers' Association, relative to control of floods in the Mississippi River; to the Committee on Rivers and Harbors.

By Mr. RAKER: Papers to accompany House bill 23656, granting an increase of pension to Herschel W. Howland; to the Committee on Invalid Pensions.

By Mr. REDFIELD: Petition of members of the fifth division United States customs, port of New York, favoring passage of House bills 23241 and 23638, for relief of said workers; to the Committee on Ways and Means.

Also, petition of A. W. and W. Bohn, Frank Moses, Robert S. Moses, Julian Mosca, and James Mosca, favoring passage of Senate bill 6108 and House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Long Island Game Protective Association of New York, favoring passage of the McLean-Weeks bill (S. 6497) for Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Farmers' Union and citizens of the State of Pennsylvania, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Italo-American Alliance of the United States of America, of Philadelphia, Pa., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Allied Committee of the Political Refugee Defense League of America, New York City, N. Y., against passage of the Root amendment relative to deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

Also, petition of the National Lumber Manufacturers' Association, to open the Panama Canal free to American ships engaged in coastwise domestic trade; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturers' Association, for the adoption of a bill relating to the importation of nursery stock; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association for adoption of relief measures for the prevention of the overflow of the Mississippi River and its tributaries; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturers' Association, supporting the movement toward placing on a civil-service basis the subordinate classes of the Diplomatic and Consular Service; also, for an amendment to the Sherman antitrust law, to enable the formation of associations and combinations for the purpose of engaging in trade with foreign countries; to the Committee on Foreign Affairs.

Also, petition of the Wireless Association of Pennsylvania, opposing certain features of the bill (H. R. 15357) to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Milk Committee, favoring an appropriation for the continuance of the commission on efficiency; to the Committee on Appropriations.

By Mr. REILLY: Resolutions of the Independent Vilner Association of New Haven, Conn., against passage of bills containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. ROBERTS of Massachusetts: Petition of citizens of the State of Massachusetts, favoring passage of the Berger old-age pension bill for deserving men and women past 65 years; to the Committee on Pensions.

By Mr. SMITH of New York: Petition of the Buffalo Chamber of Commerce, of Buffalo, N. Y., relative to Government aid in extending the season for shipping on the Great Lakes; to the Committee on Expenditures in the Department of Commerce and Labor.

By Mr. STEPHENS of California: Petition of R. H. Dow, mayor of Santa Monica, Cal., and the Federated Improvement Association of Los Angeles, Cal., favoring immediate steps toward the protection of passengers on ocean vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: Petition of Tehuda Levy Lodge, No. 429, and Hirsch Liska Lodge, No. 66, of New York City, and Amity Auxiliary Circle, against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the National Lumber Manufacturers' Association, at Cincinnati, Ohio, urging wise and generous relief measure for flooded districts along the great central rivers; to the Committee on Rivers and Harbors.

Also, resolution of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, favoring passage of bill against importation of nursery stock, etc., by which insect pests and plant diseases are introduced into the United States; to the Committee on Agriculture.

Also, petition of Fridler & Hanan, of New York City, N. Y., against passage of the Oldfield bill, for changes in present patent laws; to the Committee on Patents.

Also, petition of the Savannah Cotton Exchange, of Savannah, Ga., favoring owning by United States of buildings for proper housing of its representatives abroad, and of the National Education Association, of Cincinnati, Ohio, favoring passage of Senate bill 5735, for inquiring into high cost of living, etc.; to the Committee on Foreign Affairs.

Also, resolutions of the National Lumber Manufacturers' Association, favoring amendment of the Sherman Antitrust Act and the movement to place on a civil-service basis the Diplomatic and Consular Service of the subordinate classes; to the Committee on Foreign Affairs.

By Mr. TAGGART: Petition of citizens of Kansas City, Kans., against the Root amendment, for deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

Also, petition of Major Rankin Post, No. 489, of the Grand Army of the Republic, in the second congressional district of Kansas, favoring passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

Also, resolution of the county superintendents of the State of Washington, favoring passage of Senate bill 3, known as the Page bill, which provides for the training of teachers of agriculture, etc.; to the Committee on Agriculture.

Also, petition of Vineland Grange, No. 163, and of citizens of Blue Mound and Greeley, Kans., favoring passage of the Haugen bill (H. R. 21225) and opposing Lever bill (H. R. 18493); to the Committee on Agriculture.

By Mr. UNDERHILL: Resolution of the National Lumber Manufacturers' Association, at Cincinnati, Ohio, urging opening of Panama Canal free to American ships engaged in our coastwise domestic trade; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the American Purity Federation, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the National Lumber Manufacturers' Association, in Cincinnati, Ohio, favoring passage of bill prohibiting importation of nursery stock, etc., by which insect pests and plant diseases are introduced into the United States; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association, favoring adoption of wise and generous relief measures for flooded districts along the great central rivers; to the Committee on Rivers and Harbors.

Also, resolutions of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, favoring movement toward placing on a civil-service basis the Diplomatic and Consular Service of the subordinate classes, and amendment to the Sherman antitrust law, which forbids combinations in restraint of trade with foreign countries; to the Committee on Foreign Affairs.

By Mr. UTTER: Petition of the Junior Order United American Mechanics, the Farmers' Union of America, and the American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the patent laws that might affect price maintenance; to the Committee on Immigration and Naturalization.

Also, petition of the Rhode Island Branch of the Women's Auxiliary of the Protestant Episcopal Church, favoring passage of the bill for medical and sanitary relief of the natives of Alaska; to the Committee on the Territories.

Also, petition of Max Feder Lodge, No. 171, Independent Order B'rith Sholom, Pawtucket, R. I.; Italo-American Alliance of the United States of America; Ahavath Sholo Lodge, No. 88, Independent Order B'rith Sholom, Providence, R. I.; Rhode Island State Lodge, No. 130, Independent Order B'rith Abraham; Providence Progressive Lodge, No. 591, Independent Order B'rith Abraham; and Woonsocket Lodge, No. 118, Independent Order B'rith Sholom, of Woonsocket, R. I., protesting against passage of the Dillingham bill; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of Joseph Levy Lodge, No. 113, Independent Order B'rith Abraham, of Brooklyn, N. Y., against passage of the Dillingham bill providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Lumber Manufacturers' Association, favoring movement toward placing Diplomatic and Consular Service on a civil-service basis; to the Committee on Foreign Affairs.

Also, petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, urging adoption of wise and generous relief measures relative to floods along the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, favoring passage of the bill prohibiting importation of nursery-stock cuttings or any other articles by which insect pests and plant diseases are introduced into the United States; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, favoring amendment to the Sherman Antitrust Act that associations and combinations not having to do with domestic trade may, under proper restrictions, be formed for the purpose of engaging in trade with foreign countries; to the Committee on Foreign Affairs.

Also, resolution of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, requesting the opening of the Panama Canal free to American ships engaged in our coastwise domestic trade; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, May 21, 1912.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Mary W. Monteith, widow of George Monteith, deceased, *v.* United States (S. Doc. No. 691);

James Montooth *v.* United States (S. Doc. No. 689);

Caroline S. Morgan, widow of Thomas J. Morgan, deceased, *v.* United States (S. Doc. No. 688);

Penelope Morton, widow of James Morton, deceased, *v.* United States (S. Doc. No. 687);

Susannah D. Parker, widow of Charles A. Parker, deceased, *v.* United States (S. Doc. No. 686);

Thomas W. Sanderson *v.* United States (S. Doc. No. 685);

John H. Eno *v.* United States (S. Doc. No. 684);

A. H. Freeman, James A. Freeman, Margaret E. French, Lucy A. Todd, Alice Bogart, and Florence I. George, sole heirs of Green C. Freeman, deceased, *v.* United States (S. Doc. No. 683);

William H. Feagans *v.* United States (S. Doc. No. 682);

William K. Githens, administrator of William H. Githens, deceased, *v.* United States (S. Doc. No. 681);

Jennie Hancock, widow of John Hancock, deceased, *v.* United States (S. Doc. No. 680);

Mary B. H. Hardie, widow of John Hardie, deceased, *v.* United States (S. Doc. No. 679);

Charles W. Kennedy *v.* United States (S. Doc. No. 674);

Allen P. Morey, son and sole heir of Gideon F. Morey, deceased, *v.* United States (S. Doc. No. 675);

Robert F. Nolan, Everett C. Nolan, and Mary E. Whisenand, children and sole heirs of Francis Nolan, deceased, *v.* United States (S. Doc. No. 676);

Mary E. Slankard and Ellen Ritter Moore, sole heirs of Joshua Ritter, deceased, *v.* United States (S. Doc. No. 677); and

Julia Y. Flaig and Annie F. Sharp, sole heirs of Barnett C. Young, deceased, *v.* United States (S. Doc. No. 678).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 2228. An act to establish Ashtabula, Ohio, a subport of entry in the customs collection district of Cuyahoga, Ohio, and for other purposes;

S. 6160. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River in the State of North Dakota; and

S. 6472. An act to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.